

SUBCHAPTER C—AIDS TO NAVIGATION

CROSS REFERENCE: Corps of Engineers, Department of the Army, see Chapter II of this title.

PART 60 [RESERVED]

PART 62—UNITED STATES AIDS TO NAVIGATION SYSTEM

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Subpart A—General

§ 62.1 Purpose.

(a) The Coast Guard administers the U.S. Aids to Navigation System. The system consists of Federal aids to navigation operated by the Coast Guard,

aids to navigation operated by the other armed services, and private aids to navigation operated by other persons.

(b)(1) This part describes the general characteristics of the U.S. Aids to Navigation System, and the details, policies and procedures employed by the Coast Guard in establishing, maintaining, operating, changing or discontinuing Federal aids to navigation. Regulations concerning the marking of wrecks, structures, and other obstructions are found in 33 CFR part 64. Regulations concerning private aids are found in 33 CFR part 66. Regulations concerning the marking of artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf of the United States or its possessions are found in 33 CFR part 67. Regulations concerning the marking of bridges are found in 33 CFR part 118. Regulations concerning aids to navigation at deepwater ports are found in subchapter NN of this chapter.

(2) The regulations found in 33 CFR subpart 66.10 expire on December 31, 2003, at which time the provisions of this part will apply.

(c) The Coast Guard maintains systems of marine aids to navigation consisting of visual, audible, and electronic signals which are designed to assist the prudent mariner in the process of navigation. The aids to navigation system is not intended to identify every shoal or obstruction to navigation which exists in the navigable waters of the United States, but rather provides for reasonable marking of marine features as resources permit. The primary objective of the aids to navigation system is to mark navigable channels and waterways, obstructions adjacent to these waterways, and obstructions in areas of general navigation which may not be anticipated. Other waters, even if navigable, are generally not marked.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989; CGD 97-018, 63 FR 33573, June 19, 1998]

§ 62.3 Definition of terms.

Certain terms as used in this subchapter are defined as follows:

(a) *Aid to Navigation*. The term aid to navigation means any device external to a vessel or aircraft intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation.

(b) *Commerce*. The term commerce, in addition to general, national and international trade and commerce of the United States, includes trade and travel by seasonal passenger craft (marine and air), yachts, houseboats, fishing boats, motor boats, and other craft, whether or not operated for hire or profit.

(c) *Commandant*. The term Commandant means the Commandant of the Coast Guard.

(d) *District Commander*. The term District Commander means the commander of a Coast Guard District. Coast Guard Districts are listed in Part 3 of this chapter.

(e) *Corps of Engineers*. The term Corps of Engineers means the Corps of Engineers, Department of the Army.

(f) *Person*. The term person imparts both singular or plural, as the case demands, and includes any Federal Agency, State, Territory, possession, or public subdivision thereof, the District of Columbia, and any corporation, company, association, club, or other instrumentality.

(g) *Navigable waters of the United States*. The term navigable waters of the United States is defined in § 2.36(a) of this chapter.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by USCG-2001-9044, 68 FR 42601, July 18, 2003]

§ 62.5 Marking of marine parades and regattas.

(a) The Coast Guard may establish aids to navigation to mark marine parades and regattas which are regulated by the Coast Guard for the purpose of protecting life and property, or to assist in the observance and enforcement of special regulations. For marine parade and regatta regulations, see Part 100 of this chapter.

(b) [Reserved]

Subpart B—The U.S. Aids to Navigation System**§ 62.21 General.**

(a) The navigable waters of the United States and non-navigable State waters after December 31, 2003, are marked to assist navigation using the U.S. Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world's maritime nations and will improve maritime safety by encouraging conformity in buoyage systems worldwide. IALA buoyage is divided into two regions made up of Region A and Region B. All navigable waters of the United States follow IALA Region B, except U.S. possessions west of the International Date Line and south of 10 degrees north latitude, which follow IALA Region A. Lateral aids to navigation in Region A vary from those described throughout this Subpart. Non-lateral aids to navigation are the same as those used in Region B. See § 62.25. Appropriate nautical charts and publications should be consulted to determine whether the Region A or Region B marking schemes are in effect for a given area.

(b) The U.S. Aids to Navigation System is designed for use with nautical charts. Nautical charts portray the physical features of the marine environment, including soundings and other submarine features, landmarks, and other aids necessary for the proper navigation of a vessel. This crucial information cannot be obtained from other sources, even ones such as topographic maps, aeronautical charts, or atlases. The exact meaning of an aid to navigation may not be clear to the mariner unless the appropriate chart is consulted, as the chart illustrates the relationship of the individual aid to navigation to channel limits, obstructions, hazards to navigation, and to the total aids to navigation system.

(c) The navigator should maintain and consult suitable publications and instruments for navigation depending on the vessel's requirements. This shipboard equipment is separate from the aids to navigation system, but is often

essential to its use. The following publications are available from the U.S. Government to assist the navigator:

(1) The Light List, published by the Coast Guard and available through the Government Printing Office or authorized sales agents, lists federal and private aids to navigation. It includes all major Federal aids to navigation and those private aids to navigation, which have been deemed to be important to general navigation, and includes a physical description of these aids and their locations.

(2) The United States Coast Pilot, published by the National Ocean Service and available through that agency or authorized nautical chart sales agents, supplements the information shown on nautical charts. Subjects such as local navigation regulations, channel and anchorage peculiarities, dangers, climatological data, routes, and port facilities are covered.

(3) Local Notices to Mariners are published by local Coast Guard District Commanders. Persons may be placed on the mailing list to receive local Notices by contacting the Aids to Navigation and Waterway Management Branch of the appropriate Coast Guard District. These notices pass information affecting navigation safety. Changes to aids to navigation, reported dangers, scheduled construction or other disruptions, chart corrections and similar useful marine information is made available through this publication.

(4) The Notice to Mariners is a national publication, similar to the Local Notice to Mariners, published by the National Imagery and Mapping Agency. The notice may be obtained free of charge from commercial maritime sources and, upon request, to Defense Logistics Agency, Defense Supply Center Richmond, ATTN: JNB, 8000 Jefferson Davis Highway, Richmond, VA 23297-5100 or FAX 804-279-6510, ATTN: Accounts Manager, RMF. A letter of justification should be included in the request. This publication provides ocean going vessels significant information on national and international navigation and safety.

(5) The mariner should also listen to Coast Guard Broadcast Notices to Mariners. These broadcasts update the

Local Notice to Mariners with more timely information. Mariners should monitor VHF-FM channel 16 to locate Coast Guard Marine Information Broadcasts.

(d) The U.S. Aids to Navigation System is primarily a lateral system which employs a simple arrangement of colors, shapes, numbers, and light characteristics to mark the limits of navigable routes. This lateral system is supplemented by nonlateral aids to navigation where appropriate.

(e) Generally, lateral aids to navigation indicate on which side of a vessel an aid to navigation should be passed when the vessel is proceeding in the Conventional Direction of Buoyage. Normally, the Conventional Direction of Buoyage is the direction in which a vessel enters navigable channels from seaward and proceeds towards the head of navigation. In the absence of a route leading from seaward, the Conventional Direction of Buoyage generally follows a clockwise direction around land masses. For example, proceeding southerly along the Atlantic Coast, from Florida to Texas along the Gulf Coast, and northerly along the Pacific Coast are considered as proceeding in the Conventional Direction of Buoyage. In some instances, this direction must be arbitrarily assigned. Where doubt exists, the mariner should consult charts and other nautical publications.

(f) Although aids to navigation are maintained to a reasonable degree of reliability, the rigors of the marine environment and various equipment failures do cause discrepancies on occasion.

(g) The Coast Guard makes reasonable efforts to inform the navigator of known discrepancies, and to correct them within a reasonable period of time, depending upon resources available. Occasionally, a temporary aid to navigation, which provides different but similar service, is deployed until permanent repairs can be made to the original aid. Notification of such temporary changes is made through the notice to mariners system.

(h) Mariners should exercise caution when using private aids to navigation because private aids are often established to serve the needs of specific users rather than general navigation

and their purpose may not be obvious to casual users; and, discrepancies to private aids are often detected, reported, and corrected less promptly than discrepancies to Coast Guard aids to navigation.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989; CGD 97-018, 63 FR 33573, June 19, 1998; USCG-2001-9286, 66 FR 33640, June 25, 2001]

§ 62.23 Beacons and buoys.

(a) Aids to navigation are placed on shore or on marine sites to assist a navigator to determine his position or safe course. They may mark limits of navigable channels, or warn of dangers or obstructions to navigation. The primary components of the U.S. Aids to Navigation System are beacons and buoys.

(b) Beacons are aids to navigation structures which are permanently fixed to the earth's surface. They range from large lighthouses to small, single-pile structures and may be located on land or in the water. Lighted beacons are called lights; unlighted beacons are called daybeacons.

(1) Beacons exhibit a daymark. For small structures these are colored geometric shapes which make an aid to navigation readily visible and easily identifiable against background conditions. Generally, the daymark conveys to the mariner, during daylight hours, the same significance as does the aid's light or reflector at night. The daymark of large lighthouses and towers, however, consists of the structure itself. As a result, these daymarks do not infer lateral significance.

(2) Vessels should not pass beacons close aboard due to the danger of collision with rip-rap or structure foundations, or the obstruction or danger that the aid marks.

(c) Buoys are floating aids to navigation used extensively throughout U.S. waters. They are moored to the seabed by sinkers with chain or other moorings of various lengths.

(1) The daymark of a buoy is the color and shape of the buoy and, if so equipped, of the topmark.

(i) Can buoys have a cylindrical shape.

(ii) Nun buoys have a tapered, conical shape.

(iii) Pillar buoys have a wide cylindrical base supporting a narrower superstructure. They may be surmounted by colored shapes called topmarks.

(iv) Spherical buoys have a round shape.

(2) Mariners attempting to pass a buoy close aboard risk collision with a yawing buoy, the buoy's mooring, or with the obstruction which the buoy marks.

(3) Mariners should not rely on buoys alone for determining their positions due to factors limiting their reliability. Prudent mariners will use bearings or angles from beacons or other landmarks, soundings, and various methods of electronic navigation. Buoys vary in reliability because:

(i) Buoy positions represented on nautical charts are approximate positions only, due to practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations.

(ii) Buoy moorings vary in length. The mooring lengths define a "watch circle", and buoys can be expected to move within this circle. Actual watch circles do not coincide with the dots or circles representing them on charts.

(iii) Buoy positions are normally verified during periodic maintenance visits. Between visits, environmental conditions, including atmospheric and sea conditions, and seabed slope and composition, may shift buoys off their charted positions. Also buoys may be dragged off station, sunk, or capsized by a collision with a vessel.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987; CGD 86-031, 52 FR 46351, Dec. 5, 1987]

§ 62.25 Lateral marks.

(a) Lateral marks define the port and starboard sides of a route to be followed. They may be either beacons or buoys.

(b) Sidemarks are lateral marks which advise the mariner to stay to one side of the mark. Their most frequent use is to mark the sides of channels; however, they may be used individually to mark obstructions outside of clearly defined channels. Sidemarks are not always placed directly on a channel edge and may be positioned outside the channel as indicated on charts and nautical publications.

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(1) Port hand marks indicate the left side of channels when proceeding in the Conventional Direction of Buoyage. Beacons have green square daymarks, while buoys are green can or pillar buoys.

(2) Starboard hand marks indicate the right side of channels when proceeding in the Conventional Direction of Buoyage. Beacons have red triangular daymarks, while buoys are red nun or pillar buoys.

(c) Preferred channel marks indicate channel junctions or bifurcations and may also mark wrecks or obstructions which the mariner, after consulting a chart to ascertain the location of the obstruction relative to the aid, may pass on either side. Preferred channel marks have red and green horizontal bands with the color of the topmost band indicating the preferred channel. If the topmost band is green, the mark serves as a port hand mark for vessels following the preferred channel proceeding in the Conventional Direction of Buoyage, and as a starboard hand mark for the other channel. Beacons would have square daymarks, while buoys would be can or pillar buoys. If the topmost band is red, the mark serves as a starboard hand mark for vessels following the preferred channel proceeding in the Conventional Direction of Buoyage, and a port hand mark for the other channel. Beacons would have triangular daymarks, while buoys would be nun or pillar buoys.

(d) The above color schemes apply to IALA Region B. Marks located in the IALA Region A exhibit reversed color significance: port hand marks will be red when following the Conventional Direction of Buoyage, and starboard hand marks will be green. The meaning of daymark and buoy shapes is identical in both regions.

(e) Certain marks on the Intracoastal Waterway may exhibit reversed lateral significance. See § 62.49.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.27 Safe water marks.

Safe water marks indicate that there is navigable water all around the mark. They are often used to indicate fairways or midchannels, or the seaward

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end of channels. Safe water marks are colored with red and white vertical stripes. Beacons have an octagonal daymark; red and white buoys are spherical or display a red spherical topmark.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.29 Isolated danger marks.

Isolated danger marks indicate an isolated danger which may be passed on all sides. As these marks are erected or moored on or near dangers, they should not be approached closely without special caution. These marks are colored black with one or more broad horizontal red bands and are equipped with a topmark of two black spheres, one above the other.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.31 Special marks.

Special marks are not primarily intended to assist safe navigation, but to indicate special areas or features referred to in charts or other nautical publications. They may be used, for example, to mark anchorages, cable or pipeline areas, traffic separation schemes, military exercise zones, ocean data acquisition systems, etc. Special marks are colored solid yellow.

§ 62.32 Inland waters obstruction mark.

(a) On inland waters designated by the Commandant as State waters in accordance with § 66.05-5 of this chapter and on non-navigable internal waters of a State which have no defined head of navigation, a buoy showing alternate vertical black and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy.

(b) The black and white buoy's meaning is "do not pass between the buoy and the shore". The number of white and black stripes is discretionary, provided that the white stripes are twice the width of the black stripes. Prior to December 31, 2003, this aid shall not be used on a waterway which has a red and white striped obstruction marker

defined in § 66.10–15(e)(3) of this chapter, unless all obstruction markers are replaced.

[CGD 97–018, 63 FR 33573, June 19, 1998]

§ 62.33 Information and regulatory marks.

(a) Information and Regulatory Marks are used to alert the mariner to various warnings or regulatory matters. These marks have orange geometric shapes against a white background. The meanings associated with the orange shapes are as follows:

(1) A vertical open-faced diamond signifies danger.

(2) A vertical diamond shape having a cross centered within indicates that vessels are excluded from the marked area.

(3) A circular shape indicates that certain operating restrictions are in effect within the marked area.

(4) A square or rectangular shape will contain directions or instructions lettered within the shape.

(b) When a buoy is used as an information or regulatory mark it shall be white with two horizontal orange bands placed completely around the buoy circumference. One band shall be near the top of the buoy body, with a second band placed just above the waterline of the buoy so that both bands are clearly visible.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 97–018, 63 FR 33573, June 19, 1998]

§ 62.35 Mooring buoys.

Mooring Buoys are white with a blue horizontal band. This distinctive color scheme is recommended to facilitate identification and to avoid confusion with aids to navigation.

§ 62.37 Lighthouses.

Lighthouses are prominent beacons of varying size, color, and appearance employed to mark headlands, landfalls, harbor entrances, channel edges, hazards, and other features. While normally identified by their distinctive appearance, some lighthouses display diamond shaped, checkered daymarks to facilitate recognition.

§ 62.41 Ranges.

Ranges are aids to navigation systems employing dual beacons which, when the structures appear to be in line, assist the mariner in maintaining a safe course. The appropriate nautical chart must be consulted when using ranges to determine whether the range marks the centerline of the navigable channel and also to ascertain what section of the range may be safely traversed. Ranges are generally, but not always, lighted, and display rectangular daymarks of various colors.

[CGD 86–031, 52 FR 42640, Nov. 6, 1987; CGD 86–031, 52 FR 46351, Dec. 5, 1987]

§ 62.43 Numbers and letters.

(a) All solid red and solid green aids are numbered, with red aids bearing even numbers and green aids bearing odd numbers. The numbers for each increase in the Conventional Direction of Buoyage. Numbers are kept in approximately sequence on both sides of the channel by omitting numbers where necessary.

(b) Only sidemarks are numbered. However, aids other than those mentioned above may be lettered to assist in their identification, or to indicate their purpose. Sidemarks may carry letters in addition to numbers to identify the first aid to navigation in a waterway, or when new aids to navigation are added to channels with previously completed numerical sequences. Letters on sidemarks will follow alphabetical order from seaward and proceeding toward the Conventional Direction of Buoyage and will be added to numbers as suffixes.

(c) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. The colors of this material may convey the same significance as the aid except that letters and numbers may be white.

(d) Exceptions to the provisions of this section will be found on the Western Rivers System. See § 62.51.

(e) The guidelines for the display of numbers and letters on aids to navigation are identical for both Region A and Region B; red aids to navigation

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display even numbers, and green aids display odd numbers.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989]

§ 62.45 Light characteristics.

(a) Lights on aids to navigation are differentiated by color and rhythm. Lighthouses and range lights may display distinctive light characteristics to facilitate recognition. No special significance should be attached to the color or rhythm of such lights. Other lighted aids to navigation employ light characteristics to convey additional information.

(b) When proceeding in the Conventional Direction of Buoyage, aids to navigation, if lighted, display light characteristics as follows:

(1) Green lights mark port (left) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the port (left) hand of a vessel. Green lights are also used on Preferred Channel Marks where the topmost band is green.

(2) Red lights mark starboard (right) sides of channels and locations of wrecks or obstructions which are to be passed by keeping these lights on the starboard (right) hand of a vessel. Red lights are also used on Preferred Channel Marks where the topmost band is red.

(3) Certain lights marking the Intracoastal Waterway may display reversed lateral significance. See § 62.49.

(c) Yellow lights have no lateral significance. Except on the Western Rivers, see § 62.51, white lights have no lateral significance. The purpose of aids exhibiting white or yellow lights may be determined by their shape, color, letters or numbers, and the light rhythm employed.

(d) Light rhythms, except as noted in § 62.51 for the Western Rivers, are employed as follows:

(1) Aids with lateral significance display regularly flashing or regularly occulting light rhythms. Ordinarily, flashing lights (frequency not exceeding 30 flashes per minute) will be used.

(2) Preferred Channel Marks display a composite group flashing light rhythm (groups of two flashes followed by one flash).

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(3) Safe Water Marks display a white Morse Code “A” rhythm (short-long flash).

(4) Isolated Danger Marks display a white group flashing two.

(5) Special Marks display yellow lights with fixed or slow flashing rhythm preferred.

(6) Mooring Buoys and Information and Regulatory Marks display white lights of various rhythms.

(7) For situations where lights require a distinct cautionary significance, as at sharp turns, sudden channel constrictions, wrecks, or obstructions, a quick flashing light rhythm (60 flashes per minute) may be used.

(e) Occasionally lights use sectors to mark shoals or warn mariners of other dangers. Lights so equipped show one color from most directions and a different color or colors over definite arcs of the horizon as indicated on the appropriate nautical chart. These sectors provide approximate bearing information since the observer should note a change of color as the boundary between the sectors is crossed. As sector bearings are not precise, they should be considered a warning only and not used to determine exact bearing to the light.

(f) Aids to navigation may be fitted with light-reflecting material to increase their visibility in darkness. Green or red reflective material is used only on marks which, if lighted, would exhibit a light of that color. Yellow reflective material is used on special marks and on Intracoastal Waterway marks. No significance is attached to white reflective material.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD 88-018, 54 FR 48608, Nov. 24, 1989; CGD 97-018, 63 FR 33573, June 19, 1998]

§ 62.47 Sound signals.

(a) Often sound signals are located on or adjacent to aids to navigation. When visual signals are obscured, sound signals warn mariners of the proximity of danger.

(1) Sound signals are distinguished by their tone and phase characteristics.

(i) Tones are determined by the devices producing the sound (i.e., diaphones, diaphragm horns, reed horns, sirens, whistles, bells and gongs).

(ii) Phase characteristics are defined by the signal's sound pattern, i.e., the number of blasts and silent periods per minute and their durations. Sound signals emanating from fixed structures generally produce a specific number of blasts and silent periods each minute when operating. Buoy sound signals are generally actuated by the motion of the sea and therefore do not emit a regular signal characteristic.

(2) Where no live watch is maintained, sound signals are normally operated continuously. However, some are equipped with fog detectors which activate sound signals when visibility falls below a predetermined limit.

(b) Mariners should not rely solely on sound signals to determine their positions for the following reasons:

(1) Distance cannot be accurately determined by sound intensity.

(2) Occasionally sound signals may not be heard in areas close to their location.

(3) Signals may not sound in cases where fog exists close to, but not at, the location of the sound signal.

(4) As buoy signals are generally activated by sea motion, they may produce no signals when seas are calm.

(5) As previously noted, buoy positions are not always reliable. Therefore their sound signals cannot be assumed to be emanating from a fixed position.

§ 62.49 Intracoastal Waterway identification.

(a) In addition to the conventional signals, aids to navigation marking the Intracoastal Waterway exhibit unique yellow symbols to distinguish them from aids marking other waters.

(1) Yellow triangles indicate that aids to navigation so marked should be passed keeping them on the starboard (right) hand of a vessel, regardless of the aid's number, color, or light color.

(2) Yellow squares indicate that aids to navigation so marked should be passed keeping them on the port (left) hand of a vessel, regardless of the aid's number, color, or light color.

(3) A horizontal yellow band provides no lateral information, but simply identifies aids to navigation as marking the Intracoastal Waterway.

(b) The above guidelines apply for vessels traversing the Intracoastal Wa-

terway in a southerly direction on the Atlantic Coast, in a westerly direction on the Okeechobee Waterway, or in a westerly direction along the Gulf Coast.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987; CGD 86-031, 52 FR 46351, Dec. 5, 1987]

§ 62.51 Western Rivers Marking System.

(a) A variation of the standard U.S. aids to navigation system described above is employed on the Mississippi River and tributaries above Baton Rouge, LA and on certain other rivers which flow toward the Gulf of Mexico.

(b) The Western Rivers System varies from the standard U.S. system as follows:

(1) Buoys are not numbered.

(2) Numbers on beacons do not have odd/even lateral significance but, rather, indicate mileage from a fixed point (normally the river mouth).

(3) Diamond-shaped non-lateral dayboards, checkered red-and-white or green-and-white, similar to those used in the U.S. Aids to Navigation System, as appropriate, are used as crossing dayboards where the river channel crosses from one bank to the other.

(4) Lights on green buoys and on beacons with green daymarks show a single flash which may be green or white.

(5) Lights on red buoys and on beacons with red daymarks show a double flash [Group Flashing (2)] which may be red or white.

(6) Isolated danger marks are not used.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by CGD-94-091, 61 FR 27782, June 3, 1996; USCG-2001-9286, 66 FR 33640, June 25, 2001]

§ 62.53 Racons.

(a) Aids to navigation may be enhanced by the use of radar beacons (racons). Racons, when triggered by a radar signal, will transmit a coded reply to the interrogating radar. This reply serves to identify the aid station by exhibiting a series of dots and dashes which appear on the radar display in a line emanating radially from just beyond the echo of the aid station. Although racons may be used on both laterally significant and non-laterally significant aids alike, the racon signal

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itself is for identification purposes only, and therefore carries no lateral significance.

(b) Racons are also used as bridge marks to mark the best point of passage.

§ 62.54 Ownership identification.

Ownership identification on private or state aids to navigation is permitted so long as it does not change or hinder an understanding of the meaning of the aid to navigation.

[CGD 97-018, 63 FR 33573, June 19, 1998]

Subpart C [Reserved]

Subpart D—Public Participation in the Aids to Navigation System

§ 62.63 Recommendations.

(a) The public may recommend changes to existing aids to navigation, request new aids or the discontinuation of existing aids, and report aids no longer necessary for maritime safety. These recommendations should be sent to the appropriate District Commander.

(b) Recommendations, requests and reports should be documented with as much information as possible to justify the proposed action. Desirable information includes:

(1) Nature of the vessels which transit the area(s) in the question, including type, displacement, draft, and number of passengers and crew.

(2) Where practicable, the kinds of navigating devices used aboard such vessels (e.g., magnetic or gyro compasses, radio direction finders, radar, loran, and searchlights).

(3) A chartlet or sketch describing the actual or proposed location of the aid(s), and a description of the action requested or recommended.

§ 62.65 Procedure for reporting defects and discrepancies.

(a) Mariners should notify the nearest Coast Guard facility immediately of any observed aids to navigation defects or discrepancies.

(b) The Coast Guard cannot monitor the many thousands of aids in the U.S. Aids to Navigation System simultaneously and continuously. As a result,

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it is not possible to maintain every aid operating properly and on its charted position at all times. Marine safety will be enhanced if persons finding aids missing, sunk, capsized, damaged, off station, or showing characteristics other than those advertised in the Light List, or other publication, promptly inform the Coast Guard. When making the report to the Coast Guard the mariner should consult the Light List to ensure the correct geographical information is used due to the similarity of names and geographical areas.

(c) Procedures for reporting defects and discrepancies:

(1) *Radio messages* should be prefixed “Coast Guard” and transmitted directly to a Government shore radio station listed in Chapter three of Radio Navigation Aids Publication, 117, for relay to the relevant District Commander.

(2) Telephone, e-mail, or facsimile messages may also be used to advise the nearest Coast Guard unit of defects or discrepancies in aids to navigation.

(3) Via our Web portal at <http://www.navcen.uscg.gov>.

[CGD 86-031, 52 FR 42640, Nov. 6, 1987, as amended by USCG-2000-7223, 65 FR 40054, June 29, 2000; USCG-2001-9286, 66 FR 33640, June 25, 2001; USCG-2001-10714, 69 FR 24982, May 5, 2004; USCG-2008-0179, 73 FR 35002, June 19, 2008]

PART 64—MARKING OF STRUCTURES, SUNKEN VESSELS AND OTHER OBSTRUCTIONS

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64.23 Duration of marking on structures.

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Subpart D—Miscellaneous Provisions

64.31 Determination of hazard to navigation.

64.33 Marking by the Coast Guard.

AUTHORITY: 14 U.S.C. 633; 33 U.S.C. 409, 1231; 42 U.S.C. 9118; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted.

Subpart A—General

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.01 Purpose.

This part prescribes rules relating to the marking of structures, sunken vessels and other obstructions for the protection of maritime navigation.

§ 64.03 Scope.

(a) Except as provided in paragraph (b) of this section these rules apply to:

(1) Structures located in or over waters subject to the jurisdiction of the United States and, on the high seas, structures owned or operated by persons subject to the jurisdiction of the United States;

(2) Sunken vessels in the navigable waters or waters above the continental shelf of the United States; and

(3) Other obstructions existing on or in the navigable waters or waters above the continental shelf of the United States.

(b) The following obstructions are exempt from the requirements of this part:

(1) Dredging pipelines subject to Subchapter D of this chapter;

(2) Bridges subject to Subchapter J of this chapter;

(3) Vessels subject to the International Regulations for preventing Collisions at Sea, 1972 (1972 COLREGS) or the Inland Navigation Rules;

(4) Deepwater port facilities subject to subchapter NN of this chapter; and

(5) Artificial islands and structures subject to Part 67 of this subchapter.

§ 64.06 Definition of terms.

As used in this part:

Hazard to navigation means an obstruction, usually sunken, that pre-

sents sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

High seas means those waters described in § 2.32(c) of this chapter.

Markings means the lights and other signals placed on or near structures, sunken vessels, and other obstructions for the protection of navigation.

Navigable waters of the United States means those waters described in § 2.36(a) of this chapter, specifically including the waters described in § 2.22(a)(2) of this chapter.

Obstruction means anything that restricts, endangers, or interferes with navigation.

Structures means any fixed or floating obstruction, intentionally placed in the water, which may interfere with or restrict marine navigation.

[CGD 78-156, 48 FR 11267, Mar. 17, 1983. Redesignated and amended by CGD 91-031, 57 FR 43402, Sept. 21, 1992; USCG-2001-9044, 68 FR 42601, July 18, 2003; USCG-2007-27887, 72 FR 45902, Aug. 16, 2007]

Subpart B—Sunken Vessels and Other Obstructions

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.11 Marking and notification requirements.

(a) The owner of a vessel, raft, or other craft wrecked and sunk in a navigable channel shall mark it immediately with a buoy or daymark during the day and with a light at night. The owner of a sunken vessel, raft, or other obstruction that otherwise constitutes a hazard to navigation shall mark it in accordance with this subchapter.

(b) Owners of vessels sunk in waters subject to the jurisdiction of the United States or sunk on the high seas, if the owner is subject to the jurisdiction of the United States, shall promptly report to the District Commander, in whose jurisdiction the obstruction is located, the action they are taking to mark the sunken vessel, giving the following information (in addition to the information required by

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46 CFR 4.05, Notice of Marine Casualty and Voyage Records):

(1) Name and description of the sunken vessel;

(2) Accurate description of the location of the vessel;

(3) Depth of water over the vessel; and

(4) Location and type of marking established, including color and shape of buoy or other daymark and characteristic of the light.

(c) Owners of other obstructions may report the existence of such obstructions and mark them in the same manner as prescribed for sunken vessels.

(d) Owners of marine pipelines that are determined to be hazards to navigation shall report and mark the hazardous portion of those pipelines in accordance with 49 CFR parts 192 or 195, as applicable.

[CGD 78-156, 48 FR 11267, Mar. 17, 1983. Redesignated and amended by CGD 91-031, 57 FR 43402, Sept. 21, 1992; USCG-1998-3799, 63 FR 35526, June 30, 1998; USCG-2006-25150, 71 FR 39208, July 12, 2006]

§ 64.13 Approval of markings.

(a) All markings of sunken vessels and other obstructions established in accordance with § 64.11 must be reported to and approved by the appropriate District Commander.

(b) Should the District Commander determine that these markings are inconsistent with Part 62 of this subchapter, they must be replaced as soon as practicable with approved markings.

[CGD 78-156, 48 FR 11267, Mar. 17, 1983. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992, and amended by USCG-2001-9286, 66 FR 33640, June 25, 2001]

§ 64.16 Duration of marking on sunken vessels in navigable waters.

Markings shall be maintained until:

(a) The sunken vessel or other obstruction is removed; or

(b) The right of the owner to abandon is legally established and exercised.

NOTE: Notices of abandonment of sunken vessels or other obstructions will not be accepted by the Coast Guard. Any notice of intention to abandon should be addressed to the District Engineer, Corps of Engineers, U.S. Army, within whose district the sunken vessel or other obstruction is located.

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Subpart C—Structures

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.21 Marking and notification requirements.

Before establishing a structure, the owner or operator shall apply for Coast Guard authorization to mark the structure in accordance with § 66.01-5 of this chapter. The appropriate District Commander will determine the marking requirements.

§ 64.23 Duration of marking on structures.

Markings determined to be required shall be established and maintained until:

(a) The structure is removed; or

(b) Otherwise directed by the District Commander.

Subpart D—Miscellaneous Provisions

SOURCE: CGD 78-156, 48 FR 11267, Mar. 17, 1983, unless otherwise noted. Redesignated by CGD 91-031, 57 FR 43402, Sept. 21, 1992.

§ 64.31 Determination of hazard to navigation.

In determining whether an obstruction is a hazard to navigation for the purposes of marking, the District Commander considers, but is not limited to, the following factors:

(a) Location of the obstruction in relation to the navigable channel and other navigational traffic patterns;

(b) Navigational difficulty in the vicinity of the obstruction;

(c) Depth of water over the obstruction, fluctuation of the water level, and other hydrologic characteristics in the area;

(d) Draft, type, and density of vessel traffic or other marine activity in the vicinity of the obstruction;

(e) Physical characteristics of the obstruction;

(f) Possible movement of the obstruction;

(g) Location of the obstruction in relation to other obstructions or aids to navigation;

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(h) Prevailing and historical weather conditions;

(i) Length of time that the obstruction has been in existence;

(j) History of vessel incidents involving the obstruction; and

(k) Whether the obstruction is defined as a hazard to navigation under other statutes or regulations.

[CGD 91-031, 57 FR 43403, Sept. 21, 1992]

§ 64.33 Marking by the Coast Guard.

(a) The District Commander may mark for the protection of maritime navigation any structure, sunken vessel or other obstruction that is not suitably marked by the owner. Markings established by the Coast Guard do not relieve the owner's duty or responsibility to mark the sunken vessel or other obstruction, or to remove it as required by law.

(b) Costs for markings established by the Coast Guard will be determined in accordance with part 74 of this Chapter.

(c) Costs for marking of a sunken vessel or other obstruction shall be charged to the owner and shall continue until:

(1) The vessel or other obstruction is removed;

(2) The right of the owner to abandon is legally established and has been exercised; or

(3) The District Commander directs otherwise.

NOTE: When the needs of navigation permit, the owner may be given reasonable opportunity to establish and maintain the necessary markings.

PART 66—PRIVATE AIDS TO NAVIGATION

Subpart 66.01—Aids to Navigation Other Than Federal or State

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66.10-1 General.

66.10-5—66.10-10 [Reserved]

66.10-15 Aids to navigation.

66.10-35 Navigation lights.

AUTHORITY: 14 U.S.C. 83, 84, 85; 43 U.S.C. 1333; Pub. L. 107-296, 116 Stat. 2135; Department of Homeland Security Delegation No. 0170.1.

Subpart 66.01—Aids to Navigation Other Than Federal or State

SOURCE: CGFR 68-152, 33 FR 19816, Dec. 27, 1968, unless otherwise noted.

§ 66.01-1 Basic provisions.

(a) The Uniform State Waterway Marking System's (USWMS) aids to navigation provisions for marking channels and obstructions (see § 66.10-15 in this part) may be used in those navigable waters of the U.S. that have been designated as state waters for private aids to navigation and in those internal waters that are non-navigable waters of the U.S. All other provisions for the use of regulatory markers and other aids to navigation must be in accordance with United States Aid to Navigation System, described in part 62 of this subchapter.

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(b) For the purposes of this subpart, the term private aids to navigation includes all marine aids to navigation operated in the navigable waters of the United States other than those operated by the Federal Government (part 62 of this subchapter) or those operated in State waters for private aids to navigation (subpart 66.05).

(c) Coast Guard authorization of a private aid to navigation does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other Federal, State or local laws or regulations.

(d) With the exception of radar beacons (racons) and shore based radar stations, operation of electronic aids to navigation as private aids will not be authorized.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986; USCG-2009-0416, 74 FR 27437, June 10, 2009]

§ 66.01-3 Delegation of authority to District Commanders.

(a) Under Section 888 of Pub. L. 107-296, 116 Stat. 2135, the Commandant delegates to the District Commanders within the confines of their respective districts (see Part 3 of this chapter for descriptions) the authority to grant permission to establish and maintain, discontinue, change or transfer ownership of private aids to maritime navigation, and otherwise administer the requirements of this subpart.

(b) The decisions of the District Commander may be appealed within 30 days from the date of decision. The decision of the Commandant in any case is final.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by USCG-1998-3799, 63 FR 35526, June 30, 1998; USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

§ 66.01-5 Application procedure.

To establish and maintain, discontinue, change, or transfer ownership of a private aid to navigation, you must apply to the Commander of the Coast Guard District in which the aid is or will be located. You can find application form CG-2554 at <http://www.uscgboating.org/safety/aton/aids.htm>. You must complete all parts

of the form applicable to the aid concerned, and must forward the application to the District Commander. You must include the following information:

(a) The proposed position of the aid to navigation by two or more horizontal angles, bearings and distance from charted landmarks, or the latitude and longitude as determined by GPS or differential GPS. Attach a section of chart or sketch showing the proposed position.

(b) The name and address of the person at whose expense the aid will be maintained.

(c) The name and address of the person who will maintain the aid to navigation.

(d) The time and dates during which it is proposed to operate the aid.

(e) The necessity for the aid.

(f) For lights: The color, characteristic, range, effective intensity, height above water, and description of illuminating apparatus. Attach a copy of the manufacturer's data sheet to the application.

(g) For sound signals: Type (whistle, horn, bell, etc.) and characteristic.

(h) For buoys or daybeacons: Shape, color, number, or letter, depth of water in which located or height above water.

(i) For racons: Manufacturer and model number of racon, height above water of desired installation, and requested coding characteristic. Equipment must have FCC authorization.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986; USCG-2000-7466, 68 FR 68238, Dec. 8, 2003; USCG-2000-7466, 69 FR 12541, Mar. 17, 2004; USCG-2001-10714, 69 FR 24982, May 5, 2004; USCG-2008-0179, 73 FR 35002, June 19, 2008]

§ 66.01-10 Characteristics.

The characteristics of a private aid to navigation must conform to those prescribed by the United States Aids to Navigation System set forth in subpart B of part 62 of this subchapter.

[USCG-2000-7466, 68 FR 68238, Dec. 8, 2003]

§ 66.01-11 Lights.

(a) Except for range and sector lights, each light approved as a private aid to navigation must:

(1) Have at least the effective intensity required by this subpart

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omnidirectionally in the horizontal plane, except at the seams of its lens-mold.

(2) Have at least 50% of the effective intensity required by this subpart within $\pm 2^\circ$ of the horizontal plane.

(3) Have a minimum effective intensity of at least 1 candela for a range of 1 nautical mile, 3 candelas for one of 2 nautical miles, 10 candelas for one of 3 nautical miles, and 54 candelas for one of 5 nautical miles. The District Commander may change the requirements for minimum intensity to account for local environmental conditions. For a flashing light this intensity is determined by the following formula:

$$I_e = G / (0.2 + t_2 - t_1)$$

Where:

I_e = Effective intensity

G = The integral of the instantaneous intensity of the flashed light with respect to time

t_1 = Time in seconds at the beginning of the flash

t_2 = Time in seconds at the end of the flash
 $t_2 - t_1$ is greater than or equal to 0.2 seconds.

(4) Unless the light is a prefocused lantern, have a means of verifying that the source of the light is at the focal point of the lens.

(5) Emit a color within the angle of 50% effective intensity with color coordinates lying within the boundaries defined by the corner coordinates in Table 66.01-11(5) of this part when plotted on the Standard Observer Diagram of the International Commission on Illumination (CIE).

TABLE 66.01-11(5)—COORDINATES OF CHROMATICITY

Color	Coordinates of chromaticity	
	x axis	y axis
White	0.500	0.382
	0.440	0.382
	0.285	0.264
	0.285	0.332
	0.453	0.440
Green	0.500	0.440
	0.305	0.689
	0.321	0.494
	0.228	0.351
	0.028	0.385
Red	0.735	0.265
	0.721	0.259
	0.645	0.335
	0.665	0.335
	0.618	0.382
Yellow	0.612	0.382

TABLE 66.01-11(5)—COORDINATES OF CHROMATICITY—Continued

Color	Coordinates of chromaticity	
	x axis	y axis
	0.555	0.435
	0.560	0.440

(6) Have a recommended interval for replacement of the source of light that ensures that the lantern meets the minimal required intensity stated in paragraph (a)(3) of this section in case of degradation of either the source of light or the lens.

(7) Have autonomy of at least 10 days if the light has a self-contained power system. Power production for the prospective position should exceed the load during the worst average month of insolation. The literature concerning the light must clearly state the operating limits and service intervals. Low-voltage disconnects used to protect the battery must operate so as to prevent sporadic operation at night.

(b) The manufacturer of each light approved as a private aid to navigation must certify compliance by means of an indelible plate or label affixed to the aid that meets the requirements of § 66.01-14.

[USCG-2000-7466, 68 FR 68238, Dec. 8, 2003]

§ 66.01-12 May I continue to use the private aid to navigation I am currently using?

If, after March 8, 2004, you modify, replace, or install any light that requires a new application as described in § 66.01-5, you must comply with the rules in this part.

[USCG-2000-7466, 68 FR 68239, Dec. 8, 2003]

§ 66.01-13 When must my newly manufactured equipment comply with these rules?

After March 8, 2004, equipment manufactured for use as a private aid to navigation must comply with the rules in this part.

[USCG-2000-7466, 68 FR 68239, Dec. 8, 2003]

§ 66.01-14 Label affixed by manufacturer.

(a) Each light, intended or used as a private aid to navigation authorized by

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this part, must bear a legible, indelible label (or labels) affixed by the manufacturer and containing the following information:

- (1) Name of the manufacturer.
- (2) Model number.
- (3) Serial number.
- (4) Words to this effect: "This equipment complies with requirements of the U.S. Coast Guard in 33 CFR part 66."
- (b) This label must last the service life of the equipment.
- (c) The manufacturer must provide the purchaser a data sheet containing the following information:
 - (1) Recommended service life based on the degradation of either the source of light or the lamp.
 - (2) Range in nautical miles.
 - (3) Effective intensity in candela.
 - (4) Size of lamp (incandescent only).
 - (5) Interval, in days or years, for replacement of dry-cell or rechargeable battery.

[USCG-2000-7466, 68 FR 68239, Dec. 8, 2003]

§ 66.01-15 Action by Coast Guard.

(a) The District Commander receiving the application will review it for completeness and will assign the aid one of the following classifications:

Class I: Aids to navigation on marine structures or other works which the owners are legally obligated to establish, maintain and operate as prescribed by the Coast Guard.

Class II: Aids to navigation exclusive of Class I located in waters used by general navigation.

Class III: Aids to navigation exclusive of Class I located in waters not ordinarily used by general navigation.

(b) Upon approval by the District Commander, a signed copy of the application will be returned to the applicant. Approval for the operation of radar beacons (racons) will be effective for an initial two year period, then subject to annual review without further submission required of the owner.

[CGFR 68-152, 33 FR 19816, Dec. 27, 1968, as amended by CGD 85-057, 51 FR 11448, Apr. 3, 1986]

§ 66.01-20 Inspection.

All classes of private aids to navigation shall be maintained in proper op-

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erating condition. They are subject to inspection by the Coast Guard at any time and without prior notice.

§ 66.01-25 Discontinuance and removal.

(a) No person, public body or instrumentality shall change, move or discontinue any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) without first obtaining permission to do so from the District Commander.

(b) Any authorized private aid to navigation not required by statute or regulation (Classes II and III, § 66.01-15) may be discontinued and removed by the owner after 30 days' notice to the District Commander to whom the original request for authorization for establishment of the aid was submitted.

(c) Private aids to navigation which have been authorized pursuant to this part shall be discontinued and removed without expense to the United States by the person, public body or instrumentality establishing or maintaining such aids when so directed by the District Commander.

§ 66.01-30 Corps of Engineers' approval.

(a) Before any private aid to navigation consisting of a fixed structure is placed in the navigable waters of the United States, authorization to erect such structure shall first be obtained from the District Engineer, U.S. Army Corps of Engineers in whose district the aid will be located.

(b) The application to establish any private aid to navigation consisting of a fixed structure shall show evidence of the required permit having been issued by the Corps of Engineers.

§ 66.01-40 Exemptions.

(a) Nothing in the preceding sections of this subpart shall be construed to interfere with or nullify the requirements of existing laws and regulations pertaining to the marking of structures, vessels and other obstructions sunken in waters subject to the jurisdiction of the United States (Part 64 of this subchapter), the marking of artificial islands and structures which are

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erected on or over the seabed and subsoil of the Outer Continental Shelf (Part 67 of this subchapter), or the lighting of bridges over navigable waters of the United States (Subchapter J of this subchapter).

(b) Persons marking bridges pursuant to Subchapter J of this title are exempted from the provisions of § 66.01-5.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983]

§ 66.01-45 Penalties.

Any person, public body or instrumentality, excluding the armed forces, who shall establish, erect or maintain any aid to maritime navigation without first obtaining authority to do so from the Coast Guard, with the exception of those established in accordance with § 64.11 of this chapter, or who shall violate the regulations relative thereto issued in this part, is subject to the provisions of 14 U.S.C. 83.

[CGD 78-156, 48 FR 11268, Mar. 17, 1983, as amended by USCG-2008-0179, 73 FR 35002, June 19, 2008]

§ 66.01-50 Protection of private aids to navigation.

Private aids to navigation lawfully maintained under these regulations are entitled to the same protection against interference or obstruction as is afforded by law to Coast Guard aids to navigation (Part 70 of this subchapter). If interference or obstruction occurs, a prompt report containing all the evidence available should be made to the Commander of the Coast Guard District in which the aids are located.

§ 66.01-55 Transfer of ownership.

(a) When any private aid to navigation authorized by the District Commander, or the essential real estate or facility with which the aid is associated, is sold or transferred, both parties to the transaction shall submit application (§ 66.01-5) to the Commander of the Coast Guard District in which the aid is located requesting authority to transfer responsibility for maintenance of the aid.

(b) The party relinquishing responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the

discontinuance and the change of ownership of the aid sold or transferred.

(c) The party accepting responsibility for maintenance of the private aid to navigation shall indicate on the application form (CG-2554) both the establishment and the change of ownership of the aid sold or transferred.

(d) In the event the new owner of the essential real estate or facility with which the aid is associated refuses to accept responsibility for maintenance of the aid, the former owner shall be required to remove the aid without expense to the United States. This requirement shall not apply in the case of any authorized private aid to navigation required by statute or regulation (Class I, § 66.01-15) which shall be maintained by the new owner until the conditions which made the aid necessary have been eliminated.

Subpart 66.05—State Aids to Navigation

SOURCE: CGFR 66-32, 31 FR 10320, July 30, 1966, unless otherwise noted.

§ 66.05-1 Purpose.

The purpose of the regulations in this subpart is to prescribe the conditions under which state governments may regulate aids to navigation owned by state or local governments, or private parties. With the exception on the provisions of subpart 66.10, which are valid until December 31, 2003, aids to navigation must be in accordance with the United States Aids to Navigation System in part 62 of this subchapter.

[CGD 97-018, 63 FR 33573, June 19, 1998]

§ 66.05-5 Definitions.

(a) The term *State waters for private aids to navigation* means those navigable waters of the United States which the Commandant, upon request of a State Administrator, has designated as waters within which a State government may regulate the establishment, operation, and maintenance of marine aids to navigation, including regulatory markers. The Commandant will entertain requests to make such designations with respect to navigable waters of the United States not marked by the Federal government.

These designations when approved will be set forth in separate sections by States in this subpart and will briefly describe or identify waters so designated.

(b) The term Uniform State Waterway Marking System (USWMS) means the system of private aids to navigation which may be operated in State waters. Subpart 66.10, which describes the USWMS, expires on December 31, 2003.

(c) The term *State Administrator* means the official of a State having power under the law of the State to regulate, establish, operate or maintain maritime aids to navigation on waters over which the State has jurisdiction.

(d) The term *State aids to navigation* means all private marine aids to navigation operated in State waters for private aids to navigation, whether owned by a State, political subdivisions thereof or by individuals, corporations, or organizations.

(e) The term *regulate State maritime aids to navigation* means to control the establishment, disestablishment, operation and maintenance of State aids to navigation.

[CGFR 66–32, 31 FR 10320, July 30, 1966, as amended by CGD 97–018, 63 FR 33573, June 19, 1998]

§ 66.05–10 State waters for private aids to navigation; designations; revisions, and revocations.

(a) A State Administrator who desires to regulate State maritime aids to navigation in the navigable waters of the United States not marked by the Federal Government, shall request the Commandant to designate the specific bodies of water involved as State waters for private aids to navigation.

(b) The request shall be forwarded to the District Commander in whose district the bodies of water are located. The request shall give the name and description of the waterway; the extent of use being made of the waterway for marine navigation, in general terms; an appropriate chart or sketch of the area; and a general outline of the nature and extent of the State aids to navigation which the Administrator plans to establish in the waterway.

(c) The District Commander shall review the request and consult with the State Administrator concerning the terms of an initial agreement to be entered into under provisions of § 66.05–20. When they have arrived at terms of an agreement satisfactory to both, the District Commander shall forward the request to the Commandant with recommendations and the terms of agreement mutually settled upon. If they cannot reach such agreement, the District Commander shall forward the request with recommendations and a statement of the points agreed upon and the points remaining at issue.

(d) Upon receipt of the request, the Commandant will determine whether or not approval of the request is in the public interest and will inform the State Administrator and the District Commander of the Coast Guard's decision. If the request is approved, the designation by the Commandant of the waters in question as State waters for private aids to navigation will be also defined and described in this subpart.

(e) The Commandant may, upon his or her own initiative or upon request, revoke or revise any designations of State waters for private aids to navigation previously made by him or her. Written notice shall be given the State Administrator of the action contemplated by the Commandant. The State Administrator will be afforded a period of not less than 30 days from the date of the notice in which to inform the Commandant of the State's views in the matter before final action is completed to revoke or revise such designation.

[CGFR 66–32, 31 FR 10320, July 30, 1966, as amended by USCG–2001–10714, 69 FR 24982, May 5, 2004]

§ 66.05–20 Coast Guard-State agreements.

(a) The District Commander in whose District a waterway is located may enter into agreements with State Administrators permitting a State to regulate aids to navigation, including regulatory markers, in State waters for private aids to navigation, as, in the opinion of the District Commander, the State is able to do in a manner to improve the safety of navigation. When a waterway is located within the area of

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jurisdiction of more than one Coast Guard District, the District Commander in whose District the State capital is located shall execute the agreement in behalf of the Coast Guard. All such agreements shall reserve to the District Commander the right to inspect the State aids to navigation without prior notice to the State. They shall stipulate that State aids to navigation will conform to the Uniform State Waterway marking System or to the U.S. Aids to Navigation System and that the State Administrator will modify or remove State aids to navigation without expense to the United States when so directed by the District Commander, subject to the right of appeal on the part of the State Administrator to the Commandant.

(b) A Coast Guard-State agreement shall become effective when both parties have signed the agreements. In lieu of the procedure prescribed in § 66.01–5, the agreement shall constitute blanket approval by the Commandant, of the State aids to navigation, including regulatory markers, established or to be established in State waters for private aids to navigation designated or to be designated by the Commandant.

(c) In addition to the matters set forth in paragraph (a) of this section, Coast Guard-State agreements shall cover the following points, together with such other matters as the parties find it desirable to include:

(1) A description, in sufficient detail for publication in Notices to Mariners, of all aids to navigations under State jurisdiction in navigable waters of the United States in existence prior to the effective date of the agreement which have not been previously approved under procedures of § 66.01–5.

(2) Procedures for use by the State administrator to notify the District Commander of changes made in State aids to navigation, as required by § 66.05–25.

(3) If prior to December 21, 2003, specification of the marking system to be used, whether the U.S. Aids to Navigation System or the Uniform State Waterway Marking System.

(4) Specification of standards as to minimum size and shape of markers, the use of identifying letters, the use of

reflectors or retroreflective materials, and any other similar standards so as to enable Coast Guard inspectors to determine compliance with Statewide standards.

[CGD 86–031, 52 FR 42645, Nov. 6, 1987, as amended by CGD 97–018, 63 FR 33573, June 19, 1998]

§ 66.05–25 Change and modification of State aids to navigation.

Wherever a State Administrator determines the need for change in State aids to navigation, he or she must inform the District Commander of the nature and extent of the changes, as soon as possible, but not less than 30 days in advance of making the changes.

[USCG–2001–10714, 69 FR 24982, May 5, 2004]

§ 66.05–30 Notice to Mariners.

(a) To improve public safety, the District Commander may publish information concerning State aids to navigation, including regulatory markers, in the Coast Guard Local Notices to Mariners.

(b) Notices to Mariners which concern the establishment, disestablishment, or change of State aids to navigation, including regulatory markers, may be published whenever the aids to navigation concerned are covered by navigational charts or maps issued by the National Ocean Service or the U.S. Army Corps of Engineers.

[CGFR 66–32, 31 FR 10320, July 30, 1966, as amended by USCG–2000–7223, 65 FR 40055, June 29, 2000; USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2001–10714, 69 FR 24982, May 5, 2004]

§ 66.05–35 Private aids to navigation other than State owned.

(a) No person, public body or other instrumentality not under control of the Commandant or the State Administrator, exclusive of the Armed Forces of the United States, shall establish, erect or maintain in State waters for private aids to navigation any aid to navigation without first obtaining permission to do so from the State Administrator. Discontinuance of any State aids to navigation may be effected by order of the State Administrator.

§ 66.05–40 Corps of Engineers’ approval.

(a) In each instance where a regulatory marker is to be established in navigable waters of the United States which have been designated by the Commandant as State waters for private aids to navigation, the State Administrator is responsible for obtaining prior permission from the District Engineer, U.S. Army Corps of Engineers concerned, authorizing the State to regulate the water area involved, or a statement that there is no objection to the proposed regulation of the water area. A copy of the Corps of Engineers permit or letter of authority shall be provided by the Administrator to the District Commander upon request.

(b) Similarly, where an aid to navigation is to be placed on a fixed structure or a mooring buoy is to be established in State waters for private aids to navigation, the State Administrator shall assure that prior permission or a statement of no objection to the structures or mooring buoys proposed is obtained from the District Engineer concerned. A copy of the permit or letter is not required by the District Commander.

§ 66.05–100 Designation of navigable waters as State waters for private aids to navigation.

In accordance with the procedures contained in § 66.05–10(d), the following navigable waters listed by the State in which they are located, are designated as State waters for private aids to navigation:

(a) *Arizona*. The portion of Lake Havasu within the State, except that portion within Havasu Lake National Wildlife Refuge.

(b) *Louisiana*. The portion of Toledo Bend Reservoir within the State.

(c) *Missouri*. Teach water within the State except the:

- (1) Mississippi River; and
- (2) Missouri River.

(d) *Montana*. The portion of Missouri River between the U.S. Highway 287 bridge near Townsend and Great Falls including the following impoundments:

- (1) Black Eagle Dam Reservoir.
- (2) Canyon Ferry Reservoir.
- (3) Hauser Lake.
- (4) Holter Lake.

(5) Rainbow Dam Reservoir.

(e) *North Carolina*. Navigable waters within the State not marked with Coast Guard aids to navigation on June 1, 1973.

(f) *Pennsylvania*. The portion of Youghiogheny River Reservoir within the State.

(f–1) *South Carolina*. (1) The portion of Lake Wylie within the State; (2) Lake Marion; (3) Lake Moultrie; and (4) Lake Murray.

(g) *Texas*. The portion of Toledo Bend Reservoir within the State.

(h) *Virginia*. (1) Claytor Lake, on the New River in Pulaski County.

(2) Leesville Lake, on the Roanoke River below Smith Mountain Dam.

(3) The portions of the following reservoirs within the State:

- (i) Gaston.
- (ii) Holston.
- (iii) John H. Kerr.
- (iv) Philpott.

(i) *Wisconsin*. Navigable waters within the State not marked with Coast Guard aids to navigation as of May 1, 1996.

[CGD 72–154R, 38 FR 33473, Dec. 5, 1973, as amended by CGD 76–015, 41 FR 12879, Mar. 29, 1976; CGD 80–132, 46 FR 27643, May 21, 1981; CGD 98–3604, 63 FR 55947, Oct. 20, 1998; USCG–2001–10714, 69 FR 24982, May 5, 2004]

Subpart 66.10—Uniform State Waterway Marking System

§ 66.10–1 General.

(a) Until December 31, 2003, the Uniform State Waterway Marking System’s (USWMS) aids to navigation provisions for marking channels and obstructions may be used in those navigable waters of the U.S. that have been designated as state waters for private aids to navigation and in those internal waters that are non-navigable waters of the U.S. All other provisions for the use of regulatory markers and other aids to navigation shall be in accordance with United States Aid to Navigation System, described in part 62 of this subchapter.

(b) The USATONS may be used in all U.S. waters under state jurisdiction, including non-navigable state waters.

[CGD 97–018, 63 FR 33574, June 19, 1998]

§§ 66.10-5—66.10-10 [Reserved]**§ 66.10-15 Aids to navigation.**

(a) USWMS aids to navigation may have lateral or cardinal meaning.

(b) On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

(c) On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

(d) Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly State owned waters and the State waters for private aids to navigation as defined and described in this part.

(e) Aids to navigation conforming to the cardinal system shall consist of three distinctly colored buoys.

(1) A white buoy with a red top may be used to indicate to a vessel operator that the operator must pass to the south or west of the buoy.

(2) A white buoy with a black top may be used to indicate to a vessel operator that the operator must pass to the north or east of the buoy.

(3) In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that the operator must not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

[CGFR 66-32, 31 FR 10321, July 30, 1966, as amended by CGD 97-018, 63 FR 33574, June 19, 1998; USCG-2001-10714, 69 FR 24982, May 5, 2004]

§ 66.10-35 Navigation lights.

A red light shall only be used on a solid colored red buoy. A green light shall only be used on a solid colored black or a solid colored green buoy. White lights shall be used for all other buoys. When a light is used on a cardinal system buoy or a vertically striped white and red buoy, it shall always be quick flashing.

[CGD 97-018, 63 FR 33574, June 19, 1998]

PART 67—AIDS TO NAVIGATION ON ARTIFICIAL ISLANDS AND FIXED STRUCTURES

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- 67.05-1 Arrangement of obstruction lights.
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- 67.10-1 Apparatus requirements.
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- 67.10-15 Approval of sound signals.
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- 67.10-25 Application for tests.
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- 67.10-40 Sound signals authorized for use prior to January 1, 1973.

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- 67.15-1 Lights and signals on attendant vessels.
- 67.15-5 Seismographic and surveying operations.
- 67.15-10 Spoil banks, artificial islands, and dredged channels.

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- 67.20-1 Class “A” structures.
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- 67.30-1 Class “C” structures.
- 67.30-5 Obstruction lights.
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Subpart 67.35—Applications

- 67.35-1 Procedure.
- 67.35-5 Contents of application.
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Subpart 67.40—Notification

- 67.40-1 Notification to District Commander.
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Subpart 67.50—District Regulations

- 67.50-1 Scope.
- 67.50-5 First Coast Guard District.
- 67.50-15 Fifth Coast Guard District.
- 67.50-20 Seventh Coast Guard District.
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- 67.50-30 Ninth Coast Guard District.
- 67.50-35 Eleventh Coast Guard District.
- 67.50-45 Thirteenth Coast Guard District.
- 67.50-50 Seventeenth Coast Guard District.

AUTHORITY: 14 U.S.C. 85, 633; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

SOURCE: CGFR 58-17, 23 FR 3377, May 20, 1958, unless otherwise noted.

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EDITORIAL NOTE: Nomenclature changes to part 67 appear at USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004.

Subpart 67.01—General Requirements

§ 67.01-1 Scope.

(a) The regulations in this part prescribe the obstruction lights and sound signals to be operated as privately maintained maritime aids to navigation on the artificial islands and structures which are erected on or over the seabed and subsoil of the Outer Continental Shelf and in the waters under the jurisdiction of the United States, for the purpose of exploring for, developing, removing and transporting resources therefrom.

(b) Subpart 66.01 in Part 66 of this subchapter shall be applicable to all private aids to navigation erected on or over the Outer Continental Shelf in the same manner and to the same extent as they are applicable to private aids to navigation established, erected, or maintained in the waters under the jurisdiction of the United States.

§ 67.01-5 Definitions.

(a) *Structures*. The term “structures” as used in this part shall include all fixed structures, temporary or permanent, for which a Corps of Engineers’ permit is issued. It shall include, but is not necessarily limited to, all drilling platforms, Mobile Offshore Drilling Units (MODUs) when attached to the bottom, production platforms, quarters platforms, pipe line riser platforms, manifold platforms, loading platforms, boat landings, caissons, well protective structures, tank battery barges submerged on station, drilling barges submerged on location, breakwater barges submerged on location, artificial islands and all other piles, pile clusters, pipes, or structures erected in the waters.

(b) *Class “A”, “B”, or “C” structures*. The term “Class A, B, or C structures” refers to the classification assigned to structures erected in areas in which corresponding requirements for marking are prescribed.

(c) *Line of demarcation.* The term “line of demarcation” means the dividing line used administratively to distinguish between the areas in which structures shall conform to Class “A” and Class “B” or “C” requirements.

(d) *Outer Continental Shelf.* The term “Outer Continental Shelf” means all submerged lands lying seaward and outside the area of lands beneath navigable waters as defined in the Submerged Lands Act (sec. 2, 67 Stat. 29, 43 U. S. C. 1301), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(e) *Reliable operation.* The term “reliable” as used in this part shall mean that dependability which will insure to the highest degree reasonably possible the uninterrupted operation of lights and sound signals as private aids to navigation for safety of marine commerce.

(f) *Sound signal.* The term “sound signal” as used in this part shall mean the audible sound signal, authorized as a private aid to navigation, to mark a structure for the safety of marine commerce whenever the visibility has been reduced by fog, mist, rain, falling snow, smoke, dust, or other phenomena.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 63-18, 28 FR 4026, Apr. 14, 1963; USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.01-10 Delegation of functions.

The Coast Guard District Commander may delegate the authority for performing inspections, enforcement, and administration of regulations to any civilian or military position in the Coast Guard.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.01-15 Classification of structures.

(a) *When will structures be assigned to a Class?* The District Commander will assign structures to Class A, B, or C as part of processing an application for a permit to establish and operate lights and sound signals.

(b) *In general, where will the different classes of structures be located?* Specific criteria in paragraph (c) of this section may create exceptions, but, in general, structures the farthest from shore are

likely to be assigned to Class A and required to have obstruction lights and sound signals that can be detected from the farthest distance. Structures closest to shore are likely to be assigned to Class C and, while subject to requirements to ensure that they are also detectable from a safe distance away, will be required to have the least powerful obstruction lights or sound signals. The location and standards for Class B structures will generally be in between Class A and C structures.

(c) *What criteria will be used to classify structures?* When assigning a structure to a class, the District Commander will take into consideration whether a line of demarcation has been prescribed, and matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located, the proximity of the structure to vessel routes, the nature and amount of vessel traffic, and the effect of background lighting.

(1) If a line of demarcation has been prescribed, the District Commander will assign those structures seaward of the line of demarcation to Class A. He or she will assign all structures shoreward of the line of demarcation to either Class B or Class C, unless the District Commander determines under § 67.05-25 that the structure should be assigned to Class A because of the structure’s proximity to a navigable channel, fairway or line of demarcation.

(2) If a line of demarcation has not been prescribed, the District Commander will assign a structure to Class A, B, or C as he or she deems appropriate.

[USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.01-20 Prescribing lines of demarcation.

The District Commander sends recommendations for establishing or changing lines of demarcation to the Commandant. For the purposes of this part, when the Commandant approves of additions to or changes in prescribed lines of demarcation, such additions or

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changes will be published in the FEDERAL REGISTER and will become effective on the date specified in that publication.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

§ 67.01–30 Equivalents.

The use of alternate equipment, apparatus, or installation arrangements specified in this part may be permitted by the District Commander to such extent and under such conditions as will result in achieving a degree of safety or compliance with these regulations equivalent to or above the minimum requirements set forth in this part.

Subpart 67.05—General Requirements for Lights

§ 67.05–1 Arrangement of obstruction lights.

(a) Structures having a maximum horizontal dimension of 30 feet or less on any one side, or in diameter, shall be required to have one obstruction light visible for 360°.

(b) Structures having a maximum horizontal dimension of over 30 feet, but not in excess of 50 feet, on any one side, or in diameter, shall be required to have two obstruction lights installed on diagonally opposite corners, 180° apart, or as prescribed by the District Commander, each light to have a 360° lens.

(c) Structures having a horizontal dimension of over 50 feet on any one side, or in diameter, shall be required to have an obstruction light on each corner, or 90° apart in the case of circular structures, or as prescribed by the District Commander, each light to have a 360° lens.

(d) Where the overall dimensions of a structure require the installation of two or more obstruction lights, the lights shall all be mounted on the same horizontal plane within the limitations of height specified in § 67.20–5, § 67.25–5, or § 67.30–5, as applicable.

(e) Lesser structures and piles, pile clusters or flare templates, etc., will not normally be required to be marked by obstruction lights, when they are located within 100 yards of a Class “A”, “B” or “C” structure marked by established obstruction lights, but they

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shall be marked with red or white retro-reflective material, installed as prescribed by the District Commander.

(f) All obstruction lights shall be installed in a manner which will permit at least one of them to be carried in sight of the mariner, regardless of the angle of approach, until the mariner is within 50 feet of the structure, visibility permitting.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by USCG–2001–10714, 69 FR 24983, May 5, 2004]

§ 67.05–5 Multiple obstruction lights.

When more than one obstruction light is required by this part to mark a structure, all such lights shall be operated to flash in unison.

§ 67.05–10 Characteristics of obstruction lights.

All obstruction lights required by this part shall be powered from a reliable power source, including auxiliary power sources as necessary. They shall display a quick-flash characteristic of approximately 60 flashes per minute, unless prescribed otherwise in the permit issued by the District Commander. Their color shall be white when marking Class “A” and “B” structures, and either white or red, as prescribed by the District Commander, when marking Class “C” structures. In determining whether white or red lights shall be authorized, the District Commander shall take into consideration matters concerning, but not necessarily limited to, the dimensions of the structure and the depth of water in which it is located; the proximity of the structure to vessel routes; the nature and amount of vessel traffic; and the effect of background lighting.

§ 67.05–15 Operating periods of obstruction lights.

Obstruction lights shall be displayed at all times between the hours of sunset and sunrise, local time, commencing at the time the construction of a structure is begun. During construction and until such time as a platform capable of supporting the obstruction lights is completed, the fixed lights on an attending vessel shall be used. In addition, when lights are in

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use for general illumination to facilitate the construction or operation of a structure, and can be seen from any angle of approach at a distance equal to that prescribed for the obstruction lights for the class of structure, the actual operation of obstruction lights also will not be required.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958]

§ 67.05-20 Minimum lighting requirements.

The obstruction lighting requirements prescribed in this part are the minimum requirements only and shall not preclude the maintainer from making application for authorization to establish more lights, or lights of greater intensity than required to be visible at the distances prescribed: *Provided*, That the prescribed characteristics of color and flash duration are adhered to.

§ 67.05-25 Special lighting requirements.

Whenever a structure is erected in a position on or adjacent to the edges of navigable channels and fairways, or lines of demarcation, the District Commander is authorized to require the structure to be marked by the lights which in his judgment are necessary for the safety of marine commerce, and without regard to the fact that the structure may be located in an area in which either Class "B" or Class "C" requirements are otherwise applicable. The requirements for the lights in any of these cases, shall not exceed those established for structures in the Class "A" areas.

Subpart 67.10—General Requirements for Sound signals

SOURCE: CGD 72-74R, 37 FR 13512, July 8, 1972, unless otherwise noted.

§ 67.10-1 Apparatus requirements.

The sound signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

- (a) Have its maximum intensity at a frequency between 100 and 1,100 Hertz;
- (b) Sound a 2-second blast every 20 seconds (2 seconds sound, 18 seconds silence) unless otherwise authorized by the District Commander;

(c) Have the rated range required by § 67.20-10, § 67.25-10, or § 67.30-10;

(d) Have a height not exceeding 25 feet;

(e) Have not more than eight sound sources;

(f) Be approved by the Coast Guard under § 67.10-15; and

(g) Be permanently marked with:

- (1) The date of Coast Guard approval;
- (2) The manufacturer and date of manufacture;
- (3) A model designation;
- (4) The approved range; and
- (5) The power necessary to comply with the provisions of paragraph (c) of this section.

§ 67.10-5 Location requirements.

The sound signal required by §§ 67.20-10, 67.25-10, and 67.30-10 must:

(a) Be located on the structure so that the sound signal produced is audible over 360° in a horizontal plane at all ranges up to and including the required rated range; and

(b) Be located at least 10 feet but not more than 150 feet above mean high water.

§ 67.10-10 Operating requirements.

(a) Sound signals required by §§ 67.20-10, 67.25-10, and 67.30-10 must be operated continuously, regardless of visibility, unless the sound signal is controlled:

- (1) By an attendant on the structure;
- (2) Remotely by an attendant on a nearby structure; or

(3) By a fog detection device capable of activating the sound signal when the visibility in any direction is reduced to the rated range at which sound signal operation is required by this part.

(b) During construction and until such time as a sound signal is installed and operating on a platform, the whistle of an attending vessel moored alongside the platform may be used to sound the signal required for the structure by this part.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.10-15 Approval of sound signals.

(a) The Coast Guard approves a sound signal if:

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(1) It meets the requirements for sound signals in § 67.10-1 (a), (b), (c), (d), and (e) when tested under § 67.10-20; or

(2) It is similar to a sound signal which was tested and approved under the provisions of this section and the Coast Guard has approved all variations in design, construction, production, and manufacture from the sound signal tested.

(b) A sound signal that is an identical production model of a sound signal which has been approved under paragraph (a) of this section is a Coast Guard approved sound signal.

§ 67.10-20 Sound signal tests.

(a) Sound signal tests must:

(1) Be made by the applicant in the presence of a Coast Guard representative, who certifies the test if the procedures comply with the requirements of this section;

(2) Be made with Coast Guard supplied and calibrated sound level meters and power meters; and

(3) Be made in an anechoic chamber large enough to accommodate the en-

tire sound signal, as if installed for actual use.

(b) The sound pressure level must be measured as a function of:

(1) Distance by using a sufficient number of points to allow a far-field extrapolation of the sound pressure level;

(2) Power at outputs up to and including the approximate power level necessary to comply with § 67.10-1(c);

(3) Horizontal angle at increments not greater than 30°; and

(4) Harmonic content to at least the third harmonic.

(c) In analyzing the test data to determine the minimum power necessary to produce the sound pressure level specified in Table A of this section the Coast Guard follows the procedures prescribed by the International Association of Lighthouse Authorities (IALA) in Supplement No. 3 to the IALA Bulletin of February 1969 for analysis of harmonic components and does not consider components above 1,100 Hertz as adding to the audible range.

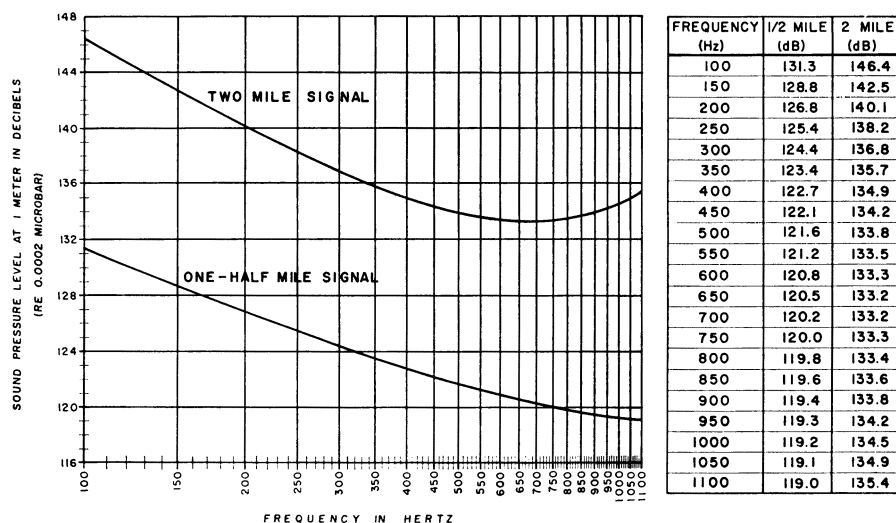


TABLE A: REQUIRED SOUND PRESSURE LEVELS AT 1 METER FOR 1/2 AND 2 MILE FOG SIGNALS

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§ 67.10–25 Application for tests.

A person requesting a Coast Guard representative at a test of a sound signal must:

(a) Direct a written request to the Office of Aids to Navigation, (CG–541), 2100 2nd St., SW., Stop 7581, Washington, DC 20593–7581 including:

- (1) Requestor's name, address, and telephone number;
- (2) A description of the sound signal;
- (3) Rated range for which approval is requested;
- (4) Location of the anechoic chamber; and
- (5) Proposed test dates.

(b) Bear all the expenses of conducting the test conducted in accordance with § 67.10–20 including all travel and per diem expenses of the U.S. Government in sending a Coast Guard representative to the test.

[CGD 72–74R, 37 FR 13512, July 8, 1972, as amended by CGD88–052, 53 FR 25119, July 1, 1988; CGD 96–026, 61 FR 33663, June 28, 1996; USCG–2001–10714, 69 FR 24983, May 5, 2004; USCG–2010–0351, 75 FR 36281, June 25, 2010]

§ 67.10–30 Withdrawal of approval.

The Coast Guard may withdraw approval of a sound signal if it fails to meet the requirements of § 67.10–1 (a), (b), and (c).

§ 67.10–35 Notice of approval and withdrawal of approval.

(a) The Coast Guard publishes a notice of the approval or withdrawal of approval of a sound signal in the Local Notice to Mariners.

(b) A listing of approved sound signals may be obtained from any District Commander.

§ 67.10–40 Sound signals authorized for use prior to January 1, 1973.

Any sound signal authorized for use by the Coast Guard and manufactured prior to January 1, 1973, is excepted from the requirements in this subpart, except §§ 67.10–1 (b) and (c), 67.10–5, and 67.10–10, if the sound signal has a minimum sound pressure level as specified in Table A of Subpart 67.10 of Title 33 of the Code of Federal Regulations in effect on December 31, 1972, for the range required by § 67.20–10, § 67.25–10, or § 67.30–10.

Subpart 67.15—Miscellaneous Marking Requirements

§ 67.15–1 Lights and signals on attendant vessels.

The requirements prescribed by this part apply to structures. The barges, vessels, and other miscellaneous floating plants in attendance must display lights and signals under the International Navigational Rules Act of 1977 (33 U.S.C. 1601–1608) that adopted the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), or the Inland Navigational Rules Act of 1980 (33 U.S.C. 2001–2038). When vessels are fixed to or submerged onto the seabed, however, they become structures as described in § 67.01–5.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

§ 67.15–5 Seismographic and surveying operations.

All stakes, casings, pipes, and buoys, except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water to facilitate seismographic or surveying operations shall be marked, in the manner prescribed by the District Commander, for the safety of navigation.

§ 67.15–10 Spoil banks, artificial islands, and dredged channels.

(a) All submerged spoil banks, or artificial islands resulting from the dredging of private channels, laying of pipelines, or any other private operation, and all privately dredged channels which, in the judgment of the District Commander are required to be marked by aids to navigation, shall be marked by private aids to navigation conforming to the standard United States system of aids to navigation characteristics described in subpart B of part 62 of this subchapter.

(b) To receive a permit to establish and maintain a private aid to navigation for the purposes described in paragraph (a) of this section, submit your application to the District Commander. The District Commander will review all applications and issue all permits.

[USCG–2001–10714, 69 FR 24983, May 5, 2004]

Subpart 67.20—Class “A” Requirements

§ 67.20-1 Class “A” structures.

Class “A” structures shall be the structures erected in an area where Class “A” requirements must be met.

§ 67.20-5 Obstruction lights.

The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part. The lights shall be of sufficient candlepower as to be visible at a distance of at least five nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that governed by the requirement in § 67.05-1(f) that mariners be able to see at least one of the lights, regardless of the angle of approach, until within 50 feet of the structure, visibility permitting.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by USCG-2001-10714, 69 FR 24983, May 5, 2004]

§ 67.20-10 Sound signal.

(a) The owner of a Class “A” structure shall:

(1) Install a sound signal that has a rated range of at least 2 miles; and,

(2) Operate the sound signal when the visibility in any direction is less than 5 miles.

(b) The District Commander may waive any requirements in paragraph (a) of this section if he or she finds that a structure is so close to other structures and so enveloped by the sound signals on other structures that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972, as amended by USCG-2001-10714, 69 FR 24984, May 5, 2004]

Subpart 67.25—Class “B” Requirements

§ 67.25-1 Class “B” structures.

Class “B” structures shall be the structures erected in an area where Class “B” requirements must be met.

§ 67.25-5 Obstruction lights.

(a) The obstruction lights shall be white lights as prescribed in Subpart 67.05 of this part and shall be of suffi-

cient candlepower as to be visible at a distance of at least three nautical miles 90 percent of the nights of the year. The lights shall be displayed not less than 20 feet above mean high water, but not at a height greater than that specified in § 67.05-1(f), except that on Class “B” structures which are required to be marked by only one light, that light may be displayed not less than 10 feet above mean high water if the structural features preclude mounting the light within the range of heights otherwise specified in this section.

(b) The District Commander may waive the requirement for obstruction lights on Class “B” structures if there is no hazard to navigation by so doing.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962]

§ 67.25-10 Sound signal.

(a) The owner of a Class “B” structure shall:

(1) Install a sound signal that has a rated range of at least one-half mile, except that the District Commander may—

(i) Prescribe a greater rated range, not to exceed 2 miles, under the provisions of paragraph (b) of this section; or

(ii) Exempt the structure from the requirements of this paragraph, under the provisions of paragraph (c) of this section;

(2) Operate the sound signal when the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles, under the provisions of paragraph (b) or (c) of this section.

(b) The owner of a Class “B” structure shall install a sound signal with a greater rated range or operate it at times of greater visibility than required in paragraph (a) of this section if:

(1) The structure is erected on or adjacent to the edge of a:

(i) Navigable channel;

(ii) Fairway; or

(iii) Line of demarcation; and

(2) The District Commander decides a greater range or operation of the sound signal at times of greater visibility is

necessary for the safety of marine commerce.

(c) The District Commander may waive or relax the provisions of paragraph (a) of this section, if he or she finds that a structure is:

(1) So close to other structures and so enveloped by the sound signals on other structures that it is not a hazard to navigation; or

(2) So located in a shoal area that it is not a hazard to navigation.

[CGD 72-74R, 37 FR 13513, July 8, 1972, as amended by USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004]

Subpart 67.30—Class “C” Requirements

§ 67.30-1 Class “C” structures.

Class “C” structures shall be the structures erected in an area where Class “C” requirements must be met.

§ 67.30-5 Obstruction lights.

(a) The obstruction lights shall be white or red lights as prescribed in Subpart 67.05 of this part and shall be of sufficient candlepower as to be visible at a distance of at least one nautical mile 90 percent of the nights of the year. The lights shall be displayed at such height, above mean high water, as shall be prescribed by the District Commander. When the District Commander shall authorize red lights to mark a Class “C” structure, the color thereof shall conform to the shade of red prescribed in Military Specification Mil-C-25050 (ASG), Type 1, Grade D. A copy of the specification may be obtained from the Commanding Officer, Document Automation and Production Service, 700 Robbins Avenue, Building 4, Section D, Philadelphia, PA 19111-5091.

(b) When Class “C” structures are erected in close proximity to each other, or are connected in such a manner as to prevent marine traffic from passing freely through the field, obstruction lights may be authorized to mark the perimeter structures only, when in the judgment of the District Commander the group of structures which are equipped with obstruction lights are so arranged that the particular structures are protected to the

degree required by this part, and are not a hazard to navigation.

(c) Unless advised to the contrary by the District Commander, obstruction lights shall be required on Class “C” structures erected in depths of water greater than 3 feet at mean low water.

(d) In cases where, although not required, an applicant desires to establish and operate obstruction lights, a permit therefor shall be granted, at the discretion of the District Commander: *Provided*, That the lights meet the requirements set forth in this part.

[CGFR 58-34, 23 FR 7701, Oct. 4, 1958, as amended by CGFR 68-95, 33 FR 15285, Oct. 15, 1968; USCG-2001-10714, 69 FR 24983, 24984, May 5, 2004]

§ 67.30-10 Sound signals.

(a) The owner of a Class “C” structure shall install a sound signal if:

(1) The structure is erected on or adjacent to the edge of a:

(i) Navigable channel;

(ii) Fairways; or

(iii) Line of demarcation; and

(2) The District Commander decides it is necessary for the safety of marine commerce.

(b) Sound signals required by paragraph (a) of this section must have rated range of at least one-half mile, unless the District Commander prescribes a greater rated range, not to exceed 2 miles.

(c) The owner of the structure shall operate the sound signal required by paragraph (a) of this section whenever the visibility in any direction is less than 3 miles, unless the District Commander establishes a greater or lesser distance of visibility, not to exceed 5 miles.

(d) Class “C” structures may have sound signals if:

(1) Authorized by the District Commander under the provisions of Subpart 66.01 of this subchapter; and

(2) The sound signal meets the requirements of § 67.10-1 (a) and (b).

[CGD 72-74R, 37 FR 13513, July 8, 1972]

Subpart 67.35—Applications

§ 67.35-1 Procedure.

(a) An application, on Coast Guard forms which will be provided by the

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District Commander upon request, shall be submitted for each private aid to navigation for which a permit is required to establish, operate, move, change or discontinue, except as modified in this subpart.

(b) An application on the prescribed form shall be submitted to the District Commander for each structure to be equipped with obstruction lights and/or sound signals if the structure is to remain in place six months or more. An application may be made by letter for each structure to be so equipped if the structure is to remain in place less than six months.

(c) One application form only shall be submitted to the District Commander to cover a group of unlighted buoys or daybeacons.

§ 67.35-5 Contents of application.

(a) All applicable items of the prescribed forms shall be completed. A brief descriptive print of the structure or aid to navigation involved shall be furnished with the application, together with a location plat or chart section. When Lambert coordinates are used to plot the position of the aid, the plat or chart shall be annotated to show latitude and longitude of the proposed aid to navigation, except when the position has been described by reference to one or more horizontal angles, or by the bearing and distance from a charted landmark.

(b) Each application shall have appended to it a list showing the type, model, name and address of the manufacturer of the lighting apparatus and sound signal equipment to be used.

(c) Each application shall always specify the date the proposals contained therein are desired to be effective, and approval thereof must be obtained before the proposed action is undertaken.

§ 67.35-10 Private aids to navigation.

See § 67.15-10(b) for review of applications respecting private aids to navigation for spoil banks, artificial islands and dredged channels.

§ 67.35-15 To whom addressed.

The applications and correspondence dealing with private aids to navigation and obstruction lighting should be ad-

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dressed to the District Commander having jurisdiction over the area.

Subpart 67.40—Notification

§ 67.40-1 Notification to District Commander.

(a) *Class “A” structures.* In the case of structures to be located in areas where Class “A” requirements must be met, notification shall be given to the District Commander of the approximate date work will commence, as soon as known after a permit is received from the Corps of Engineers, U.S. Army, or 30 days in advance, if possible. Persons constructing structures must notify the District Commander by either telegram or overnight mail on the day they begin construction. Within this notice, they must inform him or her of the lights and sound signals they will use during construction. When construction has been completed, the maintainer shall notify the District Commander to that effect by letter, stating whether or not the authorized obstruction lights and/or sound signals are in operation. Final notification by letter shall be given when the lights used for general illumination, to facilitate the construction or operation of the structure, have been discontinued and the authorized obstruction lights placed in operation.

(b) *Class “B” structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class “B” requirements must be met, in the same manner as prescribed in the case of Class “A” structures, except that the telegram on the day construction of the structure is commenced shall not be required.

(c) *Class “C” structures.* Notification shall be given to the District Commander in the case of structures to be located in areas where Class “C” requirements must be met, upon completion of the structure.

[CGFR 58-17, 23 FR 3377, May 20, 1958, as amended by CGFR 62-32, 27 FR 10101, Oct. 13, 1962; USCG-2001-10714, 69 FR 24984, May 5, 2004]

§ 67.40–5 Waivers.

(a) The District Commander is authorized to modify or waive any requirement prescribed in this part whenever, in his or her judgment, the safety of marine commerce will not be impaired by so doing.

(b) When the District Commander shall determine that changed circumstances in the case of a structure, whose obstruction lights and/or sound signal have been modified or waived, constitutes a hazard to marine navigation, he or she is authorized to revoke or revise his or her previous action and to require the structure to be appropriately marked by suitable obstruction lights and/or sound signals in accordance with this part.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by USCG–2001–10714, 69 FR 24984, May 5, 2004]

§ 67.40–10 Communication with owner.

Communication with the owners of private aids to navigation by the District Commander shall be addressed to their usual or last known place of business, or to their local representative, if any. Communication shall be by the method considered appropriate for the circumstances.

§ 67.40–15 Marking at owner's expense.

The District Commander may mark, for the protection of marine commerce, any structure whenever the owner thereof has failed suitably to mark the same in accordance with this part, and the owner shall reimburse the Coast Guard for all costs incurred.

§ 67.40–20 Charges invoiced to owner.

Charges to the owner for the cost of marking a structure by the Coast Guard shall be determined in accordance with Part 74 of this subchapter. All such charges shall be invoiced to the owner beginning with the date such marking is established and shall continue until notice is received by the District Commander that the structure has been removed, or until the owner has applied for and been issued a permit by the District Commander to establish and operate the required obstruction lights and/or sound signals or other markings required by this part.

§ 67.40–25 Penalty.

The penalty for violation is in section 1, 63 Stat. 501 (14 U.S.C. 85), or section 4(e)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333). Any person, firm, company, or corporation who shall fail or refuse to obey any of the lawful rules and regulations issued in this part or pursuant thereto shall be guilty of a misdemeanor and shall be fined not more than \$100 for each offense. Each day during which such violation shall continue shall be considered a new offense.

Subpart 67.50—District Regulations**§ 67.50–1 Scope.**

(a) The regulations in this subpart shall apply to the structures which are located within the boundaries of the Coast Guard districts hereinafter defined.

(b) Geographic coordinates expressed in terms of latitude or longitude, or both, are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

[CGD 86–082, 52 FR 33810, Sept. 8, 1987]

§ 67.50–5 First Coast Guard District.

(a) *Description.* See § 3.05–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961]

§ 67.50–15 Fifth Coast Guard District.

(a) *Description.* See § 3.25–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this

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District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961]

§ 67.50–20 Seventh Coast Guard District.

(a) *Description.* See § 3.35–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961]

§ 67.50–25 Eighth Coast Guard District.

(a) *Description.* See § 3.40–1 of this chapter.

(b) *Lines of demarcation.* The two lines of demarcation described in this section are for administrative purposes to distinguish between the areas in which structures shall be subject to Class “A”, “B” or “C” requirements. The primary line of demarcation delimits the areas to the seaward of which Class “A” requirements are imposed. The secondary line of demarcation delimits the areas to the shoreward of which Class “C” requirements are imposed. In those areas where no secondary line of demarcation is prescribed, the structures shoreward of the primary line of demarcation are considered to be Class “C” structures. Class “B” requirements are imposed on the structures in the areas between the two lines of demarcation.

(1) The coordinates of the primary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point at Lat. 30°11′.3 N., Long. 88°03′.0 W., thence to;

(ii) A point at Lat. 30°11′.5 N., Long. 88°31′.7 W., thence to;

(iii) A point at Lat. 30°12′.7 N., Long. 88°58′.0 W., thence to;

(iv) A point due west of (iii) at Long. 89°00′ W., thence to;

(v) A point at Lat. 30°08′.0 N., Long. 89°00′ W., thence to;

(vi) A point at Lat. 30°04′.7 N., Long. 88°53′.7 W., thence via a line two miles to seaward around Chandeleur Island to;

(vii) A point at Lat. 29°34′.0 N., Long. 89°00′ W., thence to;

(viii) A point at Lat. 29°15′.0 N., Long. 89°00′ W., thence to;

(ix) A point at Lat. 29°14′.0 N., Long. 88°57′.7 W., thence to;

(x) A point at Lat. 29°10′.0 N., Long. 88°57′.0 W., thence to;

(xi) A point at Lat. 29°03′.6 N., Long. 89°02′.3 W., thence via the five fathom curve to;

(xii) A point at latitude 28°58′.1 N., longitude 89°09′.6 W., thence to;

(xiii) A point at latitude 28°57′.8 N., longitude 89°13′.6 W., thence to;

(xiv) A point at latitude 28°57′.8 N., longitude 89°19′.5 W., thence to;

(xv) A point at latitude 28°53′.8 N., longitude 89°25′.7 W., thence to;

(xvi) A point at latitude 28°52′.6 N., longitude 89°25′.9 W., thence via the 10 fathom curve to;

(xvii) A point at latitude 29°00′ N., longitude 89°34′.0 W., thence to;

(xviii) A point at latitude 29°00′ N., longitude 90°05′.0 W., thence to;

(xix) A point at latitude 28°46′.3 N., longitude 91°07′.5 W., thence to;

(xx) A point at latitude 29°11′.5 N., longitude 92°21′.0 W., thence to;

(xxi) A point at latitude 29°29′.0 N., longitude 92°32′.3 W., thence via the 5 fathom curve to;

(xxii) A point at latitude 29°41′.2 N., longitude 93°19′.9 W., thence to;

(xxiii) A point at latitude 29°38′.7 N., longitude 93°49′.4 W., thence to;

(xxiv) A point on the 5 fathom curve at latitude 29°35′.8 N., longitude 94°00′ W., thence via the 5 fathom curve to;

(xxv) A point at latitude 29°26′.7 N., longitude 94°30′.0 W., thence to;

(xxvi) A point at latitude 28°55′.3 N., longitude 95°16′.3 W., thence to;

(xxvii) A point at latitude 28°54′.9 N., longitude 95°15′.6 W., thence to;

(xxviii) A point at latitude 28°19′.3 N., longitude 96°23′.3 W., thence to;

(xxix) A point at latitude 27°49′.5 N., longitude 97°01′.2 W., thence to;

(xxx) A point on the 10 fathom curve at latitude 27°30′.0 N., longitude 97°10′.0 W., thence via the 10 fathom curve to;

(xxxi) A point at latitude 27°00′ N., longitude 97°17′.5 W., thence to;

(xxxii) A point at latitude 26°04′.1 N., longitude 97°08′.6 W.

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(2) The coordinates of the secondary line of demarcation within the jurisdiction of the District Commander are as follows:

(i) Commencing at a point in Breton Sound at Lat. 29°34'.0 N., Long. 89°00'.0 W., thence to;

(ii) A point at Lat. 29°30'.0 N., Long. 89°10'.0 W., thence to;

(iii) A point at Lat. 29°20'.9 N., Long. 89°10'.0 W., thence to;

(iv) A point at Lat. 29°15'.3 N., Long. 89°04'.0 W., thence to;

(v) A point at Lat. 29°14'.1 N., Long. 88°59'.0 W., thence to;

(vi) A point at Lat. 29°08'.6 N., Long. 88°58'.3 W., thence to;

(vii) A point at Lat. 29°02'.1 N., Long. 89°06'.6 W., thence to;

(viii) A point at Lat. 28°58'.1 N., Long. 89°08'.4 W., thence to;

(ix) A point at Lat. 29°01'.1 N., Long. 89°16''.1 W., thence to;

(x) A point at Lat. 28°53'.7 N., Long. 89°26'.0 W., thence to;

(xi) A point at Lat. 28°54'.3 N., Long. 89°27'.5 W., thence to;

(xii) A point at Lat. 29°02'.2 N., Long. 89°24'.2 W., thence to;

(xiii) A point at Lat. 29°11'.8 N., Long. 89°30'.0 W., thence to;

(xiv) A point at Lat. 29°17'.9 N., Long. 89°46'.6 W., thence to;

(xv) A point at Lat. 29°17'.1 N., Long. 89°50'.8 W., thence to;

(xvi) A point at Lat. 29°14'.5 N., Long. 89°55'.1 W., thence to;

(xvii) A point at Lat. 29°10'.9 N., Long. 90°02'.9 W., thence to;

(xviii) A point at Lat. 29°05'.5 N., Long. 90°10'.0 W., thence to;

(xix) A point at Lat. 29°04'.5 N., Long. 90°12'.0 W., thence to;

(xx) A point at Lat. 29°02'.0 N., Long., 90°20'.8 W., thence to;

(xxi) A point at Lat. 29°01'.9 N., Long. 90°24'.9 W., thence to;

(xxii) A point at Lat. 29°03'.6 N., Long. 90°32'.8 W., thence to;

(xxiii) A point at Lat. 29°01'.9 N., Long. 90°41'.7 W., thence to;

(xxiv) A point at Lat. 29°00'.8 N., Long. 90°50'.0 W., thence to;

(xxv) A point at Lat. 29°02'.4 N., Long. 91°01'.5 W., thence to;

(xxvi) A point at Lat. 29°28'.5 N., Long. 92°10'.1 W., thence to;

(xxvii) A point at Lat. 29°31'.1 N., Long. 92°21'.8 W., thence to;

(xxviii) A point at Lat. 29°34'.1 N., Long. 92°39'.3 W., thence to;

(xxix) A point at Lat. 29°41'.1 N., Long. 92°57'.2 W., thence to;

(xxx) A point at Lat. 29°44'.6 N., Long. 93°07'.9 W., thence to;

(xxxi) A point at Lat. 29°45'.6 N., Long. 93°13'.7 W., thence to;

(xxxii) A point at Lat. 29°45'.6 N., Long. 93°17'.3 W., thence to;

(xxxiii) A point at Lat. 29°44'.3 N., Long. 93°21'.0 W., thence to;

(xxxiv) A point at Lat. 29°45'.3 N., Long. 93°30'.0 W., thence to;

(xxxv) A point at Lat. 29°43'.3 N., Long. 93°43'.7 W., thence to;

(xxxvi) A point at Lat. 29°41'.0 N., Long. 93°48'.8 W., thence to;

(xxxvii) A point at Lat. 29°38'.8 N., Long. 93°50'.8 W., thence to;

(xxxviii) A point at Lat. 29°40'.0 N., Long. 93°57'.3 W., thence to;

(xxxix) A point at Lat. 29°39'.3 N., Long. 94°05'.0 W., thence to;

(xl) A point at Lat. 29°27'.0 N., Long. 94°37'.0 W., thence to;

(xli) A point at Lat. 29°23'.1 N., Long. 94°42'.6 W., thence to;

(xlii) A point at Lat. 29°20'.4 N., Long. 94°41'.5 W., thence to;

(xliii) A point at Lat. 29°06'.6 N., Long. 95°04'.4 W., thence to;

(xliv) A point at Lat. 29°04'.6 N., Long. 95°05'.7 W., thence to;

(xlv) A point at Lat. 29°02'.0 N., Long. 95°10'.0 W., thence to;

(xlvi) A point at Lat. 28°57'.3 N., Long. 95°16'.2 W., thence to;

(xlvii) A point at Lat. 28°55'.3 N., Long. 95°17'.9 W., thence to;

(xlviii) A point at Lat. 28°39'.5 N., Long. 95°48'.4 W., thence to;

(xlix) A point at Lat. 28°32'.1 N., Long. 96°06'.9 W., thence to;

(l) A point at Lat. 28°26'.4 N., Long. 96°17'.8 W., thence to;

(li) A point at Lat. 28°23'.6 N., Long. 96°21'.5 W., thence to;

(lii) A point at Lat. 28°19'.7 N., Long. 96°23'.3 W., thence to;

(liii) A point at Lat. 28°19'.3 N., Long. 96°25'.2 W., thence to;

(liv) A point at Lat. 28°14'.8 N., Long. 96°35'.0 W., thence to;

(lv) A point at Lat. 28°09'.1 N., Long. 96°43'.8 W., thence to;

(lvi) A point at Lat. 28°02'.4 N., Long. 96°52'.2 W., thence to;

(lvii) A point at Lat. 27°56'.2 N., Long. 96°58'.3 W., thence to;

(lviii) A point at Lat. 27°52'.8 N., Long. 97°01'.1 W., thence to;

(lix) A point at Lat. 27°49'.3 N., Long. 97°03'.0 W., thence to;

(lx) A point at Lat. 27°46'.4 N., Long. 97°05'.6 W., thence to;

(lxi) A point at Lat. 27°38'.9 N., Long. 97°10'.6 W., thence to;

(lxii) A point at Lat. 27°28'.3 N., Long. 97°16'.2 W., thence to;

(lxiii) A point at Lat. 27°21'.9 N., Long. 97°18'.9 W., thence to;

(lxiv) A point at Lat. 27°13'.7 N., Long. 97°21'.2 W., thence to;

(lxv) A point at Lat. 27°05'.4 N., Long. 97°22'.3 W., thence to;

(lxvi) A point at Lat. 26°57'.1 N., Long. 97°22'.2 W., thence to;

(lxvii) A point at Lat. 26°48'.9 N., Long. 97°20'.9 W., thence to;

(lxviii) A point at Lat. 26°39'.1 N., Long. 97°18'.1 W., thence to;

(lxix) A point at Lat. 26°28'.8 N., Long. 97°14'.3 W., thence to;

(lxx) A point at Lat. 26°18'.3 N., Long. 97°11'.3 W., thence to;

(lxxi) A point at Lat. 26°11'.7 N., Long. 97°10'.2 W., thence to;

(lxxii) A point at Lat. 26°04'.8 N., Long. 97°09'.3 W., thence to;

(lxxiii) A point at Lat. 26°04'.2 N., Long. 97°08'.8 W., thence to;

(lxxiv) A point at Lat. 25°58'.3 N., Long. 97°08'.3 W.

(c) *Seismographic and surveying operations.* (1) All stakes and casings (pipes), except bamboo poles and wooden stakes less than 2 inches in diameter, placed in the water during seismographic or surveying operations shall be marked with flags during the daylight hours. Those casings remaining in place during the hours of darkness shall be marked by a red light as prescribed in Subpart 67.30 of this part.

(2) All buoys used during seismographic operations shall be painted with international orange and white horizontal bands. The buoys shall be of light construction in order that they will not present a hazard to marine commerce.

(d) *Spoil marking.* (1) All submerged spoil resulting from the dredging of channels, laying of pipelines, or any other operation, which constitutes an obstruction to navigation, shall be

properly marked. The spoil banks should be examined at frequent intervals in order that the changing conditions may be kept under control. As markers are no longer required due to settling of banks, the Coast Guard will authorize their removal upon application.

(2) All openings in such submerged spoil shall be marked by daybeacons on each side of the openings. When spoil is located on each side of a channel or pipe line, each bank will be considered separately. The daybeacons shall be equipped with arrows designating the safe water through the opening. These daybeacons may also be used as channel markers for the dredged channels providing they are also equipped with arrows designating the spoil bank openings.

(3) When spoil banks constituting an obstruction to navigation abut an established traveled waterway, the outboard spoil bank markers shall be equipped with quick flashing lights described in Subpart 67.30 of this part, except that the color shall be in accordance with the provisions of Subpart 62.25 of Part 62 of this subchapter.

(e) *Applications.* All applications for private aids to navigation and all correspondence dealing with private aids to navigation and obstruction lighting must be addressed to Commander (oan), Eighth Coast Guard District, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, Louisiana 70130-3396.

(f) *Enclosures.* Applicants shall append on a separate sheet with each application, the description, including manufacturer, of obstruction lights and sound signals.

(g) *Corps of Engineers correspondence.* A copy of all correspondence directed to the District Engineer, Corps of Engineers, U.S. Army, in accordance with condition (i) of the Department of the Army permit, shall be forwarded to the District Commander for those operations conducted under permits authorizing the erection of structures in

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areas in which Class “A”, Class “B”, or Class “C” requirements must be met.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961; CGFR 65–34, 30 FR 9485, July 29, 1965; CGFR 68–95, 33 FR 15285, Oct. 15, 1968; USCG–2000–7223, 65 FR 40055, June 29, 2000; USCG–2001–9286, 66 FR 33640, June 25, 2001]

§ 67.50–30 Ninth Coast Guard District.

(a) *Description.* See § 3.45–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 61–40, 26 FR 10353, Nov. 3, 1961]

§ 67.50–35 Eleventh Coast Guard District.

(a) *Description.* See § 3.55–1 of this chapter.

(b) *Line of Demarcation.* The line of demarcation described in this section is for administrative purposes to distinguish between the areas in which structures shall be subject to Class “A”, “B”, or “C” requirements. The line delimits the areas to seaward of which class “A” requirements are imposed. The line of demarcation within the jurisdiction of the District Commander is defined as follows:

(1) Commencing at a point of latitude 41°59.8′ N., longitude 124°19.5′ W., thence southward along the seaward limit of the territorial sea to;

(2) A point at latitude 32°32.0′ N, longitude 117°11.0′ W.

(c) Structures located within a half nautical mile of Traffic Separation Scheme Los Angeles/Long Beach will also be subject to class “A” requirements. The traffic separation scheme is depicted on National Ocean Service Charts 18740, 18720, 18725, 18746, 18721.

[CGD11–86–02, 52 FR 37613, Oct. 8, 1987]

§ 67.50–45 Thirteenth Coast Guard District.

(a) *Description.* See § 3.65–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this

District. When required, it will be determined in accordance with § 67.01–20.

[CGFR 58–17, 23 FR 3377, May 20, 1958, as amended by CGFR 62–25, 27 FR 8733, Aug. 31, 1962]

§ 67.50–50 Seventeenth Coast Guard District.

(a) *Description.* See § 3.85–1 of this chapter.

(b) *Line of demarcation.* There is no line of demarcation prescribed for this District. When required it will be determined in accordance with § 67.01–20.

[CGFR 68–95, 33 FR 15285, Oct. 15, 1968]

PART 70—INTERFERENCE WITH OR DAMAGE TO AIDS TO NAVIGATION

Subpart 70.01—Interference With Aids to Navigation

Sec.

70.01–1 General provisions.

70.01–5 Penalty.

Subpart 70.05—Collision With or Damage to Aids to Navigation

70.05–1 General provisions.

70.05–5 Penalty.

70.05–10 Revocation of merchant mariner credential officer endorsement or license.

70.05–15 Liability for damages.

70.05–20 Report required.

AUTHORITY: Secs. 14, 16, 30 Stat. 1152, 1153; secs. 84, 86, 92, 633, 642, 63 Stat. 500, 501, 503, 545, 547 (33 U.S.C. 408, 411, 412; 14 U.S.C. 84, 86, 92, 633, 642).

Subpart 70.01—Interference With Aids to Navigation

§ 70.01–1 General provisions.

No person, excluding the Armed Forces, shall obstruct or interfere with any aid to navigation established and maintained by the Coast Guard, or any private aid to navigation established and maintained in accordance with part 64, 66, 67, or 68 of this subchapter.

[CGFR 58–17, 23 FR 3383, May 20, 1958]

§ 70.01–5 Penalty.

Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of \$500 for

§ 70.05-1

each offense, and each day during which such violation shall continue shall be considered a new offense.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953]

Subpart 70.05—Collision With or Damage to Aids to Navigation

SOURCE: CGFR 52-15, 18 FR 12, Jan. 1, 1953, unless otherwise noted.

§ 70.05-1 General provisions.

No person shall take possession of or make use of for any purpose, or build upon, alter, deface, destroy, move, injure, obstruct by fastening vessels thereto or otherwise, or in any manner whatever impair the usefulness of any aid to navigation established and maintained by the United States.

§ 70.05-5 Penalty.

Every person and every corporation that shall violate, or that shall knowingly aid, abet, authorize, or instigate a violation of the provisions of § 70.05-1 shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of up to \$25,000 per day, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or both, one half of such fine to be paid to the person or persons giving information which shall lead to conviction.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953, as amended by USCG-2009-0416, 74 FR 27438, June 10, 2009]

§ 70.05-10 Revocation of merchant mariner credential officer endorsement or license.

Every master, pilot, and engineer, or person or persons acting in such capacity, respectively, on board any boat or vessel who shall willfully injure or destroy an aid to navigation established and maintained by the United States shall be deemed guilty of violating the provisions of § 70.05-1 and shall upon conviction be punished as provided in § 70.05-5 and shall also have his merchant mariner credential officer endorsement or license revoked or sus-

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pending for a term to be fixed by the judge before whom tried and convicted.

[CGFR 52-15, 18 FR 12, Jan. 1, 1953, as amended by USCG-2006-24371, 74 FR 11211, Mar. 16, 2009]

§ 70.05-15 Liability for damages.

Any boat, vessel, scow, raft or other craft used or employed in violating any of the provisions of § 70.05-1 shall be liable for the pecuniary penalties specified in § 70.05-5, and in addition thereto for the amount of damage done by said boat, vessel, scow, raft or other craft, which may be proceeded against summarily by way of libel in any district court of the United States having jurisdiction thereof.

§ 70.05-20 Report required.

Whenever any vessel collides with an aid to navigation established and maintained by the United States or any private aid to navigation established or maintained in accordance with Part 64, 66, 67, or 68 of this subchapter, or is connected with any such collision, it shall be the duty of the person in charge of such vessel to report the accident to the nearest Officer in Charge, Marine Inspection, in accordance with 46 CFR 4.

[CGFR 58-17, 23 FR 3383, May 20, 1958, as amended by CGFR 61-55, 26 FR 12572, Dec. 28, 1961; CGD 97-023, 62 FR 33362, June 19, 1997]

PART 72—MARINE INFORMATION

Subpart 72.01—Notices to Mariners

Sec.

72.01-1 Purpose.

72.01-5 Local Notice to Mariners.

72.01-10 Notice to Mariners.

72.01-15—72.01-20 [Reserved]

72.01-25 Marine broadcast notice to mariners.

72.01-30 Temporary deficiencies.

72.01-35 Change of address.

72.01-40 Single copies.

Subpart 72.05—Light Lists

72.05-1 Purpose.

72.05-5 Sales agencies.

72.05-10 Free distribution.

AUTHORITY: 14 U.S.C. 85, 633; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

Subpart 72.01—Notices to Mariners

§ 72.01–1 Purpose.

The Coast Guard issues information concerning the establishment of aids to maritime navigation and the changes, discontinuances, and deficiencies, except temporary deficiencies that are easily correctable, of aids to maritime navigation maintained and operated by or under the authority of the Coast Guard in documents and marine broadcasts having the general title of “Notice to Mariners.” This subpart describes the publications and the marine broadcasts.

[CGD 70–147R, 37 FR 10669, May 26, 1972]

§ 72.01–5 Local Notice to Mariners.

(a) “Local Notice to Mariners” reports changes to and deficiencies in aids to navigation that are established or maintained and operated by or under the authority of the Coast Guard, and any other information pertaining to the waterways within each Coast Guard district that is of interest to the mariner.

(b) “Local Notice to Mariners” is published and issued weekly by each Coast Guard district or more often if there is a need to notify mariners of local waterway information.

(c) Any person may apply to the local Coast Guard District Office to be placed on the mailing list for the “Local Notice to Mariners.” The “Local Notice to Mariners” is mailed to the public free of charge.

NOTE TO § 72.01–5: You may also access Local Notice to Mariners free of charge on the Internet from the Coast Guard Navigation Center’s Web site (<http://www.navcen.uscg.gov/>); look for “Local Notice to Mariners”.

[CGD 70–147R, 37 FR 10669, May 26, 1972, as amended by USCG–2001–10714, 69 FR 24984, May 5, 2004]

§ 72.01–10 Notice to Mariners.

(a) “Notice to Mariners” is intended to advise mariners of new hydrographic discoveries, changes in channels and navigational aids, and information concerning the safety of navigation. “Notice to Mariners” also contains information—

(1) Useful in updating the latest editions of charts and publications of the National Geospatial-Intelligence Agency, National Ocean Service, U.S. Army Corps of Engineers, and Coast Guard;

(2) Selected from the “Local Notice to Mariners” issued and published by the 1st, 5th, 7th, 8th, 9th, 11th, 13th, 14th, and 17th Coast Guard districts; and

(3) Compiled from foreign notices to mariners, ship reports, and similar cooperating observer reports.

(b) “Notice to Mariners” is published weekly by the National Imagery and Mapping Agency. The “Notice to Mariners” is prepared by the:

(1) Coast Guard;

(2) National Ocean Service; and

(3) National Imagery and Mapping Agency.

(c) This notice may be obtained free of charge from commercial maritime sources and upon request to the Defense Logistics Agency, Defense Supply Center Richmond, ATTN: JNB, 8000 Jefferson Davis Highway, Richmond, VA 23297–5100 or FAX 804–279–6510, ATTN: Accounts Manager, RMF. Request should be based on affirmative need for the information.

NOTE TO § 72.01–10: You may also access Notice to Mariners through the National Geospatial-Intelligence Agency’s Web site (<http://pollux.nss.nima.mil/>); look for “U.S. Notice to Mariners”.

[CGD 97–023, 62 FR 33362, June 19, 1997, as amended by USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2001–10714, 69 FR 24984, May 5, 2004; USCG–2009–0416, 74 FR 27438, June 10, 2009]

§§ 72.01–15—72.01–20 [Reserved]

§ 72.01–25 Marine broadcast notice to mariners.

(a) The Coast Guard broadcasts notices to mariners on its own or U.S. Navy radio stations to report navigational warnings containing information of importance to the safety of navigation of vessels, such as the position of ice and derelicts, defects, and changes to aids to navigation, and drifting mines. Radio stations broadcasting marine information are listed in “Radio Navigational Aids” (National Geospatial-Intelligence Agency Publication 117) and United States Coast Pilots.

§ 72.01–30

(b) Any person may purchase “Radio Navigational Aids” online from the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>, by Fax at 202–512–2104, or by telephone at 202–512–1800. Send mail orders including payment to U.S. Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–1954.

(c) Any person may purchase United States Coast Pilots from any authorized agent for the sale of National Ocean Service charts and publications whose names and addresses are contained in the National Ocean Service Chart Catalogs.

[CGD 97–023, 62 FR 33362, June 19, 1997; USCG–2001–9286, 66 FR 33640, June 25, 2001; USCG–2006–25150, 71 FR 39208, July 12, 2006; USCG–2009–0416, 74 FR 27438, June 10, 2009]

§ 72.01–30 Temporary deficiencies.

Temporary deficiencies in aids to navigation are not published in Notices to Mariners when it is known that the defects will be corrected promptly.

[CGFR 52–15, 18 FR 13, Jan. 1, 1953]

§ 72.01–35 Change of address.

Persons receiving Notices to Mariners are requested to notify the appropriate agency of any change in address, giving both old and new addresses, or when Notices to Mariners are no longer required.

[CGFR 52–15, 18 FR 13, Jan. 1, 1953]

§ 72.01–40 Single copies.

Single copies of the “Notice to Mariners” described in § 72.01–10 may be obtained or consulted at:

(a) Coast Guard District Commanders’ Offices;

(b) National Ocean Service Field Offices;

(c) The National Imagery and Mapping Agency; and

(d) Custom Houses.

[CGD 97–023, 62 FR 33362, June 19, 1997]

Subpart 72.05—Light Lists

§ 72.05–1 Purpose.

(a) The Coast Guard publishes the following Light Lists annually, with the exception of Volume V, which is published biennially, covering the wa-

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ters of the United States, its territories and possessions:

(1) Volume I, Atlantic Coast, from St. Croix River, Maine, to Shrewsbury River, New Jersey.

(2) Volume II, Atlantic Coast, from Shrewsbury River, New Jersey, to Little River, South Carolina.

(3) Volume III, Atlantic and Gulf Coasts, from Little River, South Carolina, to Econfina River, Florida, including Puerto Rico and the U.S. Virgin Islands.

(4) Volume IV, Gulf of Mexico, from Econfina River, Florida to Rio Grande, Texas.

(5) Volume V, Mississippi River System.

(6) Volume VI, Pacific Coast and Pacific Islands.

(7) Volume VII, Great Lakes.

(b) The Light Lists contain the official name, location, characteristics, and general description of federal, state, and private aids to navigation maintained by or under authority of the U.S. Coast Guard, which are placed in navigable waters used by general navigation. The Light Lists do not contain information concerning private aids to navigation maintained under the authority of the U.S. Coast Guard, which are placed in navigable waters not used by general navigation; nor do they contain information concerning mooring buoys and some special marks having no lateral significance such as fish net, dredging, and racing buoys.

(14 U.S.C. 93; 49 U.S.C. 108; 49 CFR 1.46)

[CGFR 60–63, 25 FR 8949, Sept. 17, 1960, as amended by CGFR 63–48, 28 FR 10379, Sept. 25, 1963; CGD 85–042, 50 FR 50904, Dec. 13, 1985; CGD 88–105, 54 FR 12612, Mar. 28, 1989; USCG–2001–9286, 66 FR 33640, June 25, 2001]

§ 72.05–5 Sales agencies.

Each volume of the Light List is for sale by the Superintendent of Documents, Government Printing Office, and can be ordered online from the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>, by Fax at 202–512–2104, or by telephone at 202–512–1800. Send mail orders including payment to U.S. Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–1954. Notification of publication of a new edition of the Light List is published in the

Coast Guard, DHS

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“Local Notices to Mariners” and “Notice to Mariners” for the particular area that is covered as soon as the edition is available for distribution.

[USCG–2001–9286, 66 FR 33640, June 25, 2001, as amended by USCG–2006–25150, 71 FR 39208, July 12, 2006]

§ 72.05–10 Free distribution.

Official copies are distributed free of charge to Federal, State, and foreign governments, municipalities, libraries and other public institutions.

NOTE TO § 72.05–10: You may also access Coast Guard Light data through the following National Geospatial-Intelligence Agency’s Web site: (http://pollux.nss.nima.mil/pubs/USCGLL/pubs_j_uscgll_list.html).

(R.S. 501, as amended, sec. 5, 38 Stat. 75; 44 U.S.C. 82, 84)

[CGFR 51–15, 18 FR 13, Jan. 1, 1953, as amended by USCG–2001–10714, 69 FR 24984, May 5, 2004]

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Subpart 74.01—Charges to the Public

Sec.

74.01–1 Claim for damage, destruction, or displacement.

74.01–10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

74.01–15 Charges for placement of temporary aids.

74.01–20 Deposit of payment in special account.

Subpart 74.20—Aids to Navigation Costs

74.20–1 Buoy and vessel use costs.

AUTHORITY: 14 U.S.C. 81, 85, 86, 92, 93, 141, 633, 642, 647; 49 CFR 1.46 (b).

SOURCE: CGFR 58–50, 24 FR 5608, July 11, 1959, unless otherwise noted.

Subpart 74.01—Charges to the Public

§ 74.01–1 Claim for damage, destruction, or displacement.

Whenever an aid to navigation is damaged, destroyed, or displaced from its station, a claim shall be made on

behalf of the United States in accordance with Part 25 of this title.

[CGFR 70–7, 35 FR 4048, Mar. 4, 1970]

§ 74.01–10 Charges invoiced to owner for marking sunken wrecks and other obstructions to navigation.

Charges for the establishment, maintenance, and replacement by the Coast Guard of an aid, either permanent or temporary, to mark a sunken wreck or other obstruction to navigation are calculated to recover the Coast Guard costs involved in, or associated with, the marking process. These charges will be invoiced to the owner of the obstruction. Charges for the removal of aids to navigation established by the Coast Guard will be invoiced to the owner unless the District Engineer requests the continued marking of the obstruction. All charges will be assessed in accordance with Subpart 74.20 of this part.

[CGD 81–051, 48 FR 15468, Apr. 11, 1983]

§ 74.01–15 Charges for placement of temporary aids.

Charges for placement of temporary aids will be reimbursable and in accordance with Subpart 74.20 of this part. Where the placement of temporary aids other than those specified is made, a reasonable equivalence will be determined, and charges made accordingly.

§ 74.01–20 Deposit of payment in special account.

Whenever an aid to navigation or other property belonging to the Coast Guard is damaged or destroyed by a private person, such person shall pay to the satisfaction of the Coast Guard the cost of repair or replacement of such property. The Coast Guard will accept and deposit such payment in a special account in the Treasury for payment therefrom of the cost of repairing or replacing the damaged property. Funds collected in excess of the cost to make repairs or replacements shall be refunded.

Subpart 74.20—Aids to Navigation Costs

§ 74.20-1 Buoy and vessel use costs.

(a) The buoy and vessel use costs for establishing, maintaining, repairing, replacing, or removing an aid to navigation under the requirements of this part are contained in COMDTINST 7310 (series) which is available from the District Budget Office of the appropriate Coast Guard District Commander.

(b) Buoy and vessel use charges under this part are made for the cost or value of time, in hours, consumed by the Government vessel, including ship's complement, employed in marking the obstruction. No charge for time and expense of Coast Guard vessels is made when the marking of the obstruction causes only minimal interruption of routinely scheduled ship's duty.

[CGD 81-051, 48 FR 15468, Apr. 11, 1983, as amended by USCG-2000-7223, 65 FR 40055, June 29, 2000]

PART 76—SALE AND TRANSFER OF AIDS TO NAVIGATION EQUIPMENT

Subpart 76.01—Sale of Equipment

Sec.

76.01-1 Sale of equipment not readily procurable.

76.01-5 Sale of condemned equipment.

Subpart 76.10—Federal Agencies

76.10-1 Exemption.

AUTHORITY: Sec. 92, 63 Stat. 503; sec. 641, 63 Stat. 547, as amended (14 U.S.C. 92, 641).

SOURCE: CGFR 52-15, 18 FR 14, Jan. 1, 1953, unless otherwise noted.

Subpart 76.01—Sale of Equipment

§ 76.01-1 Sale of equipment not readily procurable.

The Commandant is authorized to sell aids to navigation apparatus or equipment to foreign, state, or municipal governments or departments thereof; parties required to maintain

private aids to navigation to mark wrecks, piers, or other obstructions; contractors engaged on public works; and in other cases in which in the judgment of the Commandant the public interest may be served: *Provided:*

(a) Such equipment has not been reported by the Coast Guard to the General Services Administration as excess (if the equipment has been reported to the General Services Administration as excess, the Commandant will submit the request to that administration for further action); and

(b) Such equipment is not readily procurable in the open market. Requests to purchase such apparatus or equipment shall give sufficient reasons why the article or articles cannot be readily procured in the open market. If the Commandant considers that an article can be readily procured in the open market the prospective purchaser will be so informed, and given the names of dealers or manufacturers. Sales shall be invoiced at cost plus 25 percent for overhead. Proceeds of such sales shall be deposited in the Treasury to the credit of the current appropriation for operating expenses, Coast Guard.

§ 76.01-5 Sale of condemned equipment.

When any condemned supplies, materials, or equipment cannot be profitably used in work of the Coast Guard, they will be disposed of under appropriate regulations of the General Services Administration. Applications for purchase of such materials may be submitted to the Commandant who will process them for further action under the applicable regulations.

Subpart 76.10—Federal Agencies

§ 76.10-1 Exemption.

Nothing in this part shall be construed to affect the regulations concerning the transfer of supplies, materials, equipment, or land between other Federal agencies.